

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.
Elaine Garrett on 04/03/2019

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF NORTH CAROLINA
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6 KAREN CAHOON, AS EXECUTRIX)
7 OF THE ESTATE OF GRACE)
8 WEBSTER, DECEASED,)
9)
10 Plaintiff,) Civil Action No:
11) 2:17-CV-63-D
12 v.)
13 EDWARD ORTON, JR., CERAMIC)
14 FOUNDATION, METROPOLITAN LIFE)
15 INSURANCE COMPANY, and)
16 UNION CARBIDE CORPORATION,)
17)
18 Defendants.)

19

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DEPOSITION UPON ORAL EXAMINATION
OF ELAINE GARRETT
TAKEN ON BEHALF OF THE DEFENDANTS
ELIZABETH CITY, NORTH CAROLINA
April 3, 2019

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Elaine Garrett on 04/03/2019

Pages 2.5

	Page 2		Page 3
1 APPEARANCES:		I N D E X	
2		DEONENT	PAGE
3 SIMMONS HANLY CONROY		Elaine Garrett	By Ms. Drayton
4 ONE COURT STREET			4
5 ALTON, ILLINOIS 62002		By Mr. Sealey	
6 BY: JAMES ANDREW SEALEY, ESQUIRE		E X H I B I T S	
7 Counsel for the Plaintiff		NO. DESCRIPTION	PAGE
8		Exhibit 1 Notice of Deposition	6
9 DEAN & GIBSON, PLLC		7 Exhibit 2 Affidavit of Elaine Garrett	38
10 301 S. McDOWELL STREET, SUITE 604	8	Exhibit 3 Affidavit of Mark Lawson	44
11 CHARLOTTE, NORTH CAROLINA 28204	9		
12 BY: AMY C. DRAYTON, ESQUIRE	10		
13 Counsel for Edward Orton, Jr., Ceramic	11		
14 Foundation	12		
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21	19		
22	20		
23	21		
24	22		
25	23		
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Page 4		Page 5	
1 Deposition Upon Oral Examination of ELAINE		1 questions that you can anticipate and give the response.	
2 GARRETT, taken on behalf of the Defendants, before Bria		2 If you will just pause so that she can record those, and	
3 Pintado, a Notary Public for the State of North Carolina		3 I will try to do the same and not speak at the same	
4 at large, taken by agreement of counsel, commencing at		4 time.	
5 11:29 a.m. on April 3, 2019, at the College of the		5 If you will also -- sometimes like a	
6 Albemarle, 1208 N. Road Street, Elizabeth City, North		6 conversation, we like to shake our heads yes or no or	
7 Carolina.		7 say "uh-huh" or "huh-uh," and that's literally how it	
8		8 gets recorded, so when we go back and look at it, it's	
9 EXAMINATION		9 hard to figure out was that a "yes" or was that a "no"	
10 BY MS. DRAYTON:		10 --	
11 Q. Good morning, Ms. Garrett. My name is Amy		11 A. Okay.	
12 Drayton, and I represent the Edward Orton Foundation in		12 Q. -- or just nodding the head, so if you will try	
13 a lawsuit that's been filed by Karen Cahoon.		13 and say "yes" or "no." I'm bad about looking at you. I	
14 Before we get started, if you could just state		14 know what you're saying so I don't even stop, I just	
15 your full name for the record.		15 keep going, but if you will help me remember to do that,	
16 A. Elaine White Garrett.		16 that will be very helpful.	
17 Q. And, Ms. Garrett, just to make things a little		17 If you do get hungry, feel free to eat your	
18 bit easier, although I don't think we are going to be		18 lunch. I appreciate you taking the time to do that.	
19 here that long, have you ever given a deposition before?		19 A. Okay.	
20 A. No, I haven't.		20 Q. For -- let me say this: If I at any point ask	
21 Q. Okay. I'm just going to say a couple of ground		21 any bad questions, which inevitably is going to happen,	
22 rules. It's much like a conversation where we are		22 please ask me to repeat it or rephrase it. If my	
23 talking back and forth. For purposes of the court		23 questions don't make sense, let me know, and I will ask	
24 reporter, if we'll just try not to talk over each other		24 a better question.	
25 at the same time. I'm going to ask you some pretty easy		25 If you are able to answer my questions or you do	

Page 6	Page 7
<p>1 answer them, then I will assume that you understood it 2 and were able to answer. Is that fair enough? 3 A. Yes. 4 (Notice of Deposition marked as Deposition 5 Exhibit No. 1) 6 MS. DRAYTON: I'm just going to introduce 7 here as Exhibit 1 -- and, Drew, I only had one copy of 8 this, if that is okay -- the notice of deposition and 9 subpoena. 10 BY MS. DRAYTON: 11 Q. I just want to show you that Ms. Garrett and ask 12 you did receive that in the mail, gosh, within the last 13 few days? 14 A. Yes, I got it Friday. 15 Q. Okay. Perfect. You have a copy right there with 16 you. 17 A. Um-hmm. 18 Q. And just want to put that in as an exhibit. 19 And is your address listed there on the front 20 under the bold lettering, is that your current address? 21 A. Yes, it is. 22 Q. Okay. Perfect. I will also tell you I am just 23 going to ask you a few background questions. They are 24 not intended to be nosy for any purposes. For any 25 reason if this case were to go to trial, we would have</p>	<p>1 jurors from this area, so I'm just trying to get a good 2 idea of how long you've lived here, who you have known, 3 if you will know anyone in the potential jury pool, all 4 those kinds of things. 5 A. Okay. 6 Q. Are you originally from Elizabeth City? 7 A. Well, actually, I'm from Hertford, North 8 Carolina, and I moved in Elizabeth City -- oh, gee, I 9 don't know the year. I was 13 years old, and I'm 62 now 10 so. 11 Q. Okay. Thank you. I always hate to ask folks 12 their age. I appreciate you volunteering that. Not to 13 be nosy. Just to get a good idea what -- 14 A. It is what it is. 15 Q. And are you currently married? 16 A. Yes, I am. 17 Q. And what is your husband's name? 18 A. Lloyd Garrett. 19 Q. Okay. And how long have you been married? 20 A. It will be 37 years this year. 21 Q. Congratulations. Again, that's not intended to 22 test your memory there. 23 And do you have children and family that live in 24 the general area? 25 A. I don't have any children.</p>
Page 8	Page 9
<p>1 Q. Okay. 2 A. But I do have family -- well, they're not -- 3 they're, like, Edenton, North Carolina. 4 Q. Okay. What county is that, do you know? 5 A. Chowan County. I live in Perquimans, and I have 6 one brother that lives in Perquimans. 7 Q. Clemmons County? 8 A. Perquimans. 9 Q. Okay. And, Ms. Garrett, of course, what we're 10 here to talk about today is your prior employment with a 11 company called Ceramics by Stu-doodle. I understand 12 that you worked for that company once upon a time? 13 A. Yes, I did. 14 Q. Okay. You can tell me when you first started 15 working there. 16 A. I started in I believe it was February -- I know 17 it's 1974. Right when I graduated from high school, and 18 I worked there until 1984, May, when I started my 19 current job now. 20 Q. And what do you currently do? 21 A. I'm an account manager in sales. 22 Q. Okay. And what's the company that you work for? 23 A. Universal Forest Products. 24 Q. Well, congratulations on a long employment 25 history there. That makes that a whole lot easier.</p>	<p>1 A. Yes. 2 Q. Can't always say that for folks. 3 A. Two jobs. 4 Q. Yes, ma'am. That is a good record. 5 A. Yes. 6 Q. And I believe you already answered this question: 7 Were you 18 years old when you first started working at 8 Ceramics by Stu-doodle? 9 A. No, I don't believe I was 18. I got -- I started 10 right out of school, right when I graduated and -- 11 Q. Okay. 12 A. -- half a year in '74. I think I was maybe 13 almost 17. 14 Q. Okay. 15 A. Yeah. Anyway, I think it was a little bit before 16 18. 17 Q. Okay. Sure. And what took you to Ceramics by 18 Stu-doodle? 19 A. I lived about a mile from there. At the time, I 20 was living in Elizabeth City. Well, that was outskirts 21 of Elizabeth City, and I was best friends with their 22 daughter. 23 Q. Okay. And I think you're anticipating my 24 question. When you said "their daughter," that's the 25 owner?</p>

Page 10	Page 11
<p>1 A. Well, it's Marie and Eddie Stuart were the 2 owners, and Lisa at that time was their daughter. 3 Q. Okay. Marie and Eddie Stuart owned Ceramics by 4 Stu-doodle? 5 A. Yes, they did. They were originally I think 6 from, like, Virginia Beach, and they had just moved down 7 here maybe a year or two -- 8 Q. Okay. 9 A. -- before I started, so it was like a new 10 business. 11 Q. Okay. Do you know -- so they started the 12 business a year or two before you started working -- 13 A. Yeah. I'm not sure how long it was there, but I 14 know then they moved down here. Lisa and I became 15 friends because I lived near there. 16 Q. And Lisa Stuart is the daughter's name? 17 A. Yeah, that was her name then. She is Lisa 18 Winslow now. 19 Q. Lenslow? 20 A. Winslow. 21 Q. "Winslow." 22 Okay. And if I don't catch it, the court 23 reporter may ask you some spellings when we're done 24 here. 25 A. Sure. Sure.</p>	<p>1 Q. Did Lisa Stuart also work there? 2 A. She -- a little bit, yes, she did. She did a 3 little bit of the bookkeeping I think for her mother, 4 and we worked together a little bit. It was a ceramic 5 shop, so we poured molds then sold to the public. We 6 sold to a lot of -- at that time, ceramics was a big 7 thing, and they were, like, the wholesale company. We 8 did some retail, and people would come there and buy the 9 raw materials and supplies. 10 Q. Okay. What do you mean by it was a "wholesale 11 company?" 12 A. It was like -- well, they sold a lot of greenware 13 is what they called the pottery type that they made out 14 of the molds, and they would sell it to, like, naval 15 bases, and I guess that was what I mean by wholesale 16 because then we would have dealers come in that they had 17 ceramic shops and buy supplies. 18 Q. Okay. 19 A. And they were teaching classes, you know, 20 ceramics classes. It was just a thing at that time. 21 Q. Okay. I'm going to come back to that and ask you 22 in just a moment. 23 A. Okay. 24 Q. Marie and Eddie Stuart, do you know how long the 25 store was open or how long it was there in business?</p>
Page 12	Page 13
<p>1 A. I really don't know exactly when they closed. 2 Maybe -- I know I was there 10, and I think they were 3 open another -- I don't even know. It was 10 more than 4 years after that. It was either 15 or 20. I don't 5 think any longer. 6 Q. Okay. 7 A. I'm not sure. 8 Q. So maybe the early '90s, is that the time period? 9 A. Probably I'm thinking. 10 Q. Okay. So they didn't sell @business to anyone, 11 it just -- 12 A. No, it just -- yeah, he passed away. The -- 13 Eddie did. I'm not sure the year. I would have to -- I 14 don't know right off, and then they just ended up 15 closing shop. 16 Q. Okay. And do you know when you were working 17 there who else was working there about the same time, 18 names of anyone? 19 A. There was Ray Eason, which she's deceased now. 20 She was an older lady; Bonnie Hoffman; and there was 21 Ricky Upton. When I first started there, wasn't -- or I 22 think Ricky came later. Bonnie came later, but Ray, she 23 may have been there at the time. Then there was a 24 couple of people that just worked just a short while. 25 Q. Okay.</p>	<p>1 A. But -- I can't remember all the names, but -- 2 Q. Sure. 3 A. Yeah. But that was the main people -- 4 Q. I'm sorry. Go ahead. 5 A. I'm sorry. 6 Q. That's what I meant. I'm looking down so feel 7 free. I just don't want to interrupt you. 8 Marie and Lisa Stuart, do you know if they are 9 still in the area or they still live -- 10 A. They are -- 11 Q. Okay. 12 A. They live -- they're still near where the shop 13 was. The shop's been torn down. Marie, I always 14 referred to her as Ms. Stuart. I never called her by 15 her first name, but she's, like, 94 now, and from what I 16 understand, she has dementia and Lisa, her daughter, 17 lives kind of, like -- they're right beside each other. 18 Q. Okay. How do you know -- I'm going to jump 19 around from topic to topic -- 20 A. Sure. 21 Q. -- Karen Cahoon? 22 A. Well, her mother, which I know as Holly, that was 23 her -- is Grace -- I think would come there and buy her 24 supplies from Stu-doodle, and Karen would come with her. 25 That's how I know. I would see her with her mother.</p>

Page 14	Page 15
<p>1 Q. Okay. Are you related in any way?</p> <p>2 A. No, I'm not.</p> <p>3 Q. Okay. When -- have you talked to her in the last</p> <p>4 year, Karen Cahoon?</p> <p>5 A. I -- well, it's kind of -- no, I've only seen her</p> <p>6 one time in the last year and that's when her</p> <p>7 brother-in-law had a heart attack, and I went -- we</p> <p>8 worked with his wife, Terry, which is Karen's</p> <p>9 sister-in-law.</p> <p>10 When we went up to the hospital to see him, Karen</p> <p>11 came in, and that's the first time I saw her, and she</p> <p>12 mentioned this -- the case to me, and I have not seen</p> <p>13 her or talked to her since.</p> <p>14 Q. Okay. At that point, did she ask you to prepare</p> <p>15 an affidavit in this case?</p> <p>16 A. She asked for my phone number, said someone would</p> <p>17 -- you know, if I didn't mind giving her my number for</p> <p>18 somebody to contact me, and I said, yes, it would be</p> <p>19 okay.</p> <p>20 Q. Okay. I'm going to come back and ask you about</p> <p>21 that. When.</p> <p>22 You were working at Ceramics by Stu-doodle, what</p> <p>23 were your job responsibilities or duties? I don't know</p> <p>24 if you had a title --</p> <p>25 A. Well, I kind of -- well, my title was in sales.</p>	<p>1 We were -- like I said, because I refer to it as</p> <p>2 wholesale, we didn't have that much walk-in trade. I</p> <p>3 would pour -- I did a lot of pouring of the molds to</p> <p>4 make the greenware, and then if a customer came in, I</p> <p>5 would wait on them.</p> <p>6 Q. Okay.</p> <p>7 A. Then we did hire some more people, you know, as</p> <p>8 time went on as they got a little bit busier, you know,</p> <p>9 to do the pouring and the molds, and then I worked</p> <p>10 mostly in the sales.</p> <p>11 Q. Okay. I know a little bit about the pouring or</p> <p>12 making the molds. What products did you use to make</p> <p>13 those molds?</p> <p>14 A. It was, like -- they call it slip. It was just a</p> <p>15 liquid clay. It was not the pottery type of course.</p> <p>16 They did sell that, but it was just liquid slip. That's</p> <p>17 all.</p> <p>18 Q. Okay.</p> <p>19 A. That we would just pour in the molds and let it</p> <p>20 sit for a while, and then they'd dump it out, and then</p> <p>21 when the molds were ready, when it just hardened some,</p> <p>22 we would take it out and put it on the shelf, and that</p> <p>23 was kind of the greenware process.</p> <p>24 And then it would sit a day, you know, to dry</p> <p>25 where we would put it out in the sales area for sale or</p>
<p style="text-align: center;">Page 16</p> <p>1 keep it in the back, you know, for orders because mostly</p> <p>2 they would pour for orders they had to go out.</p> <p>3 Q. Okay. The slip product that you used -- I really</p> <p>4 want to test your memory -- do you know what it was</p> <p>5 called?</p> <p>6 A. They just call it slip. That's all I know.</p> <p>7 Q. I'll ask you a better question. Do you know who</p> <p>8 made it or can you describe --</p> <p>9 A. Well, we made it there. It was --</p> <p>10 Q. Okay.</p> <p>11 A. -- they would buy the powder. It came in bags</p> <p>12 and all the ingredients, and it -- Edward Stuart would</p> <p>13 mix it up together in a tank and, like, people would</p> <p>14 come there with buckets and then fill the buckets for</p> <p>15 them, so they would buy the slip from us and then -- but</p> <p>16 it was a product that we made.</p> <p>17 Q. Okay. So would it be, like, a five-pound bag of</p> <p>18 dried powder --</p> <p>19 A. Yeah, probably -- well --</p> <p>20 Q. -- or --</p> <p>21 A. -- 10 maybe.</p> <p>22 Q. Okay.</p> <p>23 A. It would come, like, on a railroad car, and then</p> <p>24 when the car came in I think up here in town, they</p> <p>25 would, you know, go pick it up then take it back, and it</p>	<p style="text-align: center;">Page 17</p> <p>1 will mix with water and different ingredients to make</p> <p>2 the slip.</p> <p>3 Q. Okay. Sure. And do you know who made that</p> <p>4 five-pound bag, do you remember?</p> <p>5 A. I have no idea. I do not.</p> <p>6 Q. Don't remember, like, a name of the --</p> <p>7 A. I don't.</p> <p>8 Q. -- Chick-fil-a, a name on the bag or anything</p> <p>9 like that?</p> <p>10 A. No, I do not. I don't remember it.</p> <p>11 Q. I know you mentioned other dry products?</p> <p>12 A. Yes.</p> <p>13 Q. Did you all sell, like, bags so that someone --</p> <p>14 A. Um-hmm. Nobody could purchase it. The only</p> <p>15 thing they could buy was the slip, the liquid.</p> <p>16 Q. Okay. And so you didn't sell -- again, I'm just</p> <p>17 going to go with a number, like, a paint can, a gallon</p> <p>18 of wet slip with the lid on it and a prepackage that</p> <p>19 somebody else made and --</p> <p>20 A. Not that anybody else made, uh-uh. It was all</p> <p>21 made there.</p> <p>22 Q. Okay.</p> <p>23 A. And you could get, like, a two-gallon bucket or</p> <p>24 five. Mostly it was, like, two -- anyway, it was a</p> <p>25 small bucket because that -- you know, where you can</p>

Page 18	Page 19
<p>1 handle it. You know, like, if a lady or anybody came 2 and bought slip, they could load it -- you know, we had 3 somebody there to load it, but it was more manageable in 4 the smaller buckets.</p> <p>5 Q. Okay.</p> <p>6 A. And then they did have some bigger five-gallon 7 buckets also.</p> <p>8 Q. Okay. That's helpful.</p> <p>9 Do you know where -- I know you mentioned it came 10 in on a railroad car. Do you know where it was 11 purchased from?</p> <p>12 A. No, not the bag. The dry material, I sure don't. 13 I don't have any -- I have no idea. I don't remember 14 that.</p> <p>15 Q. Sure. This isn't a test.</p> <p>16 A. Probably at that time I did, but --</p> <p>17 Q. It's been a while?</p> <p>18 A. -- it's been a long time.</p> <p>19 Q. Okay. How large was the store, the Ceramics by 20 Stu-doodle, just in terms --</p> <p>21 A. It was an old schoolhouse originally that they 22 converted into -- well, they actually lived in it. One 23 part of it, they converted into their home. The other 24 part was the shop, so it was big. It had tall ceilings. 25 It was just a pretty big place.</p>	<p>1 Q. Okay. And I know I've already asked about in 2 terms of the wholesale, they -- you sold mostly -- or 3 you described it as a wholesale business?</p> <p>4 A. Yes.</p> <p>5 Q. So were Ceramics by Stu-doodle selling to other 6 distributors or other folks that sold --</p> <p>7 A. Well, they -- no, because there used to be a 8 distributor in Norfolk. We -- they were, like, in 9 competition, same. They were called Pottery Arts, and 10 we were Stu-doodle, but we would be -- that's how -- why 11 I call it, like, a wholesale. People would just come 12 and buy from us because we had the retail people, and 13 people, if they had a shop and they had license, we 14 would sell wholesale to them or, yeah, give them a 15 discount.</p> <p>16 Q. Okay. In terms of the clients and the time 17 period that you were there, would you say you sold 18 mostly to retail people as you described it?</p> <p>19 A. No, not mostly retail. We had -- most of the 20 retail people would buy from the shops that we sold to 21 because there were several shops that were set up, and 22 we sold to people in Ahoskie and some in Virginia, too. 23 Some would come down.</p> <p>24 I remember Ahoskie because there were ladies -- 25 there was a school there that -- you know, a lot of</p>
Page 20	Page 21
<p>1 these schools would have programs where they would teach 2 ceramics --</p> <p>3 Q. Sure.</p> <p>4 A. -- so -- and then of course people like Holly -- 5 and we had -- there was several shops that were in 6 Elizabeth City, Edenton, surrounding areas that would 7 buy from us, and then we would have some people -- some 8 of their customers were walk-in maybe, the retail 9 people, and buy if they needed a little something, but 10 mostly, they bought from what we call our dealers.</p> <p>11 Q. Okay. What other products or materials or what 12 all did Ceramics by Stu-doodle sell other than slip that 13 we've talked about?</p> <p>14 A. Okay. Yeah, they sold the greenware, they sold 15 paints. They did sell the molds like you could pour. 16 They would buy molds, and they bought -- they sold the 17 cones for firing kilns, to fire the material in, brushes 18 that you would paint with. Paint, the -- let's say they 19 just sold a little bit of the clay, like -- but not much 20 because the people that did the pottery type would buy 21 -- they had their own places they would buy from.</p> <p>22 Now, the only prepackaged slip that we would buy 23 would be porcelain, which was a completely different 24 product. It's more delicate, and we would buy that from 25 the manufacturer, and we would sell that by the gallon,</p>	<p>1 and it was just a round gallon jug. I forgot about 2 that.</p> <p>3 Q. Okay. Do you remember who -- when you say you 4 bought that from the manufacturer --</p> <p>5 A. Oh, gosh. What was that porcelain by? I'm not 6 sure. I'm thinking Gare. We bought a lot from G-a-r-e, 7 which we were a distributor for their paints, their 8 kilns, and I think it was the porcelain came from them, 9 too.</p> <p>10 Q. And I believe you said the distributor for Gare 11 for their paint and the kilns?</p> <p>12 A. Um-hmm.</p> <p>13 Q. Did Ceramics by Stu-doodle actually sell kilns?</p> <p>14 A. Yes, they did. They sold Gare kilns. As a 15 matter of fact, I had even gotten one. I had purchased 16 one, and then they sold the supplies that go in the kiln 17 like the stilts I think we call them, and then the posts 18 where you put shelves, and then there would be the kiln 19 wash that you would paint on the shelves to keep the 20 stuff from adhering to the shelf.</p> <p>21 Of course, you had the stilts that keep it off 22 the shelf, but then it had to be coated in this -- I 23 don't remember. It's a lot of memory here.</p> <p>24 Q. Sure.</p> <p>25 A. You know, I'm trying to think back. So they</p>

Page 22	Page 23
<p>1 would sell all -- any kind of products that would go 2 with ceramics.</p> <p>3 Q. Okay. And in terms of the -- are there any other 4 slip products other than the ones that you all mixed 5 there in-house, the dry bags that -- you didn't sell 6 those to anyone?</p> <p>7 A. No, we didn't.</p> <p>8 Q. Any other type of slip products?</p> <p>9 A. Just the porcelain.</p> <p>10 Q. Okay. "Porcelain?"</p> <p>11 A. The porcelain, that was the only -- only other 12 that would -- yeah, because the regular was just a -- 13 what we call greenware that you use the slip to make the 14 greenware.</p> <p>15 The regular ceramics that's what you call 16 ceramics, and then porcelain was the real delicate -- it 17 required higher firing and different kind of paints. It 18 was a different product, but they still sold it.</p> <p>19 Q. Okay. And the glazes, is that the same thing as 20 the paint? Are those two different things --</p> <p>21 A. Yes, it's a paint. The glazes is what you would 22 paint on the porcelain -- okay. Not porcelain.</p> <p>23 When you had the greenware, you would have to 24 clean it, which created the dust because it would be 25 just greenware, very breakable, and it will have to be</p>	<p>1 fired in the kiln.</p> <p>2 And then once -- there was a type of paint where 3 you could paint on the greenware, and then put it in the 4 kiln, fire it, then you would put this glaze on it to 5 make it have color.</p> <p>6 Q. Okay.</p> <p>7 A. So it's just, like, a finish, hard finish type.</p> <p>8 Q. Okay. The -- just going back to Gare, is it 9 possible that Gare supplied those large bags of -- 10 10-pound bags of slip?</p> <p>11 A. I don't know.</p> <p>12 Q. Not sure?</p> <p>13 A. I hate to say.</p> <p>14 Q. Okay.</p> <p>15 A. But could be a possibility. I don't know. I 16 don't know if I've got any -- I don't know.</p> <p>17 Q. Okay. This is -- some information's new to me, 18 too. That's why I'm trying to figure out --</p> <p>19 A. Yeah.</p> <p>20 Q. -- gather information here.</p> <p>21 I think you may have already answered one of 22 these questions, and I can't remember the name that you 23 said, but in terms of competitors of Ceramics by 24 Stu-doodle, who else in the area --</p> <p>25 A. There was -- well, there was a Pottery Arts, and</p>
Page 24	Page 25
<p>1 they were in Virginia. I'm thinking they were in 2 Norfolk. I don't even know if they are still open or 3 not.</p> <p>4 Q. Okay.</p> <p>5 A. I've never been there, but I know they were -- 6 they sold a different brand of paint than we did. 7 That's basically how I know because we sold Gare.</p> <p>8 And then there was a paint, Africana, I believe 9 was the name, and that was a type of paint -- I know 10 Gare. We used mostly their glaze, which was what you 11 would put on after it had been fired, and you would 12 paint the green product to make that glossy finish.</p> <p>13 And then there's a paint you would have to fire 14 the material first, which it turns the greenware into 15 bisque. What they call bisque, and then you would paint 16 it. We used mostly the Africana -- I think that's the 17 name -- brand for that, and that was just where you 18 would just paint it.</p> <p>19 And then you could spray it with -- they did 20 carry spray. I forgot that. That was -- could be matte 21 or gloss just to kind of seal it.</p> <p>22 Q. Okay. The Pottery Arts, do you know if that 23 store is by chance -- or if it was at the time off of 24 Witchduck Road in Virginia, and I asked @Karen described 25 for us a store that she would visit --</p>	<p>1 A. That sounds like it could be.</p> <p>2 Q. Okay.</p> <p>3 A. Yeah.</p> <p>4 Q. Did you ever visit that store --</p> <p>5 A. I did not.</p> <p>6 Q. -- yourself?</p> <p>7 Okay. Can you think of any other competitors or 8 other folks in the general area, and I would mean here 9 in Eastern North Carolina or I guess that would be 10 Southeast Virginia, other competitors that sold ceramic 11 supplies or products?</p> <p>12 A. They're the only ones really that I remember, you 13 know, because I know some of our customers would buy 14 from us, and then they would buy from Pottery Arts, and 15 you know, I remember hearing the boss, they would -- 16 that was, like, don't talk about them --</p> <p>17 Q. Okay.</p> <p>18 A. -- in the shop because it was a competitor.</p> <p>19 Q. Okay. Well, that was one of my questions. Would 20 Ceramics by Stu-doodle ever buy things from Pottery 21 Arts --</p> <p>22 A. No.</p> <p>23 Q. -- to sell --</p> <p>24 A. Uh-uh.</p> <p>25 Q. -- for resale?</p>

Page 26	Page 27
<p>1 Okay. In terms of your responsibilities at the 2 store, were you responsible for purchasing products and 3 materials --</p> <p>4 A. No, I didn't do it. That was Marie Stuart. She 5 did, her and Eddie, but I think Mrs. Stuart did. She 6 would do all the purchasing.</p> <p>7 Q. Okay. And I'm really bad about this. I'm just 8 going to tell you for your purposes, I'm going -- I know 9 my questions are really easy to anticipate your answers, 10 but I'm just going to finish and try not to talk over 11 you either. I think the court reporter, will make it 12 easier for her.</p> <p>13 So Marie and Eddie Stuart did most of the 14 purchasing from other companies, like, for example 15 buying from Gare?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Were there any other employees there that 18 did purchasing other than the two of them?</p> <p>19 A. No.</p> <p>20 Q. Okay.</p> <p>21 A. Not to my knowledge. Unless -- well, their 22 daughter did most of the book work, but I don't believe 23 she would purchase because most of the time they were 24 there, and the only times they would not be there is if 25 they had to go out of town for, like, a -- they would</p>	<p>1 pick up molds from the companies up north that we -- if 2 -- and they may be gone just a weekend, but really, they 3 were there most of the time.</p> <p>4 Q. Okay. When you say they will go up north to 5 purchase some of the products, what do you mean by that?</p> <p>6 A. Well, like, the molds that we would -- there was 7 -- instead of having them shipped -- a lot of times we 8 had -- most everything was shipped in, but a lot of the 9 molds, they would go to the companies and buy. There 10 was one, like, White Plains.</p> <p>11 Well, that way they would go, and then they would 12 see the new molds that maybe come out, and if they were 13 having a mold show, and that was just the molds were 14 just what they would use to pour the slip into to make 15 the greenware.</p> <p>16 And a lot of companies would order ahead or 17 dealers that we dealt with if, you know, we had books 18 where the mold companies would send us a catalog, they 19 would pick out molds that they want, and they would 20 occasionally go up.</p> <p>21 And a lot of these I say up north because that's 22 the ones I remember. There was maybe a couple they will 23 go to, but if they were far off or other places would 24 just ship them in, and I know Gare had molds, too. They 25 sold a lot of products. We bought a lot from them.</p>
Page 28	Page 29
<p>1 Q. Okay. And when you say "White Plains," is that 2 New York?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Can you remember anywhere else that --</p> <p>5 A. I can't. I just remember that one stuck in my 6 mind and Gare. I can't -- I don't even know where Gare 7 was for sure. I know they did molds, and White Plains, 8 they would go up there, but that's all I can remember 9 right off.</p> <p>10 Q. Okay. Do you ever remember a clay slip product 11 made by Duncan?</p> <p>12 A. Duncan had molds.</p> <p>13 Q. Okay.</p> <p>14 A. But I don't believe we bought -- that was a paint 15 product. I think Pottery Arts carried that.</p> <p>16 Q. Okay. You don't remember Ceramics by Stu-doodle 17 selling --</p> <p>18 A. They didn't sell Duncan because Duncan was like 19 Gare. We were a Gare -- we sold Gare products where 20 Pottery Arts, they sold Duncan, their paints and 21 products. I do remember that. I hadn't remembered that 22 in a long time.</p> <p>23 Q. Okay. And while we're talking about Gare, do you 24 ever remember selling to Holly Webster any kilns?</p> <p>25 A. Yes, she would buy them. Um-hmm.</p>	<p>1 Q. Okay. Do you remember when that was?</p> <p>2 A. I don't.</p> <p>3 Q. Okay.</p> <p>4 A. It was just within probably in the early years 5 because she had a shop, so I'm sure she would have got 6 it pretty early, but I don't remember it. It would have 7 to be just the time period I was there in the early 8 part.</p> <p>9 Q. Do you remember if that was a Gare kiln that you 10 sold to her?</p> <p>11 A. Yes, I would think, yeah, it was Gare.</p> <p>12 Q. Because that's all that you all sold?</p> <p>13 A. Yes, that was what we sold unless she -- I don't 14 know if Pottery Arts sold kilns, but yeah, I'm pretty 15 sure she would have bought Gare because she bought -- 16 she would come to the shop and buy her paints and 17 supplies, and then we sold the cones and --</p> <p>18 Q. Okay. I want to ask you --</p> <p>19 A. -- and slip.</p> <p>20 Q. -- okay -- about the cones. Can you describe the 21 cones that you're referencing there for me.</p> <p>22 A. The cones, I remember came in a little square 23 white box, and they would say -- they were Orton cones, 24 and they were, like, little -- it had packing material. 25 They were a little triangle shape hard things, but then</p>

Page 30	Page 31
<p>1 they were packed in this -- I don't know how to describe 2 it. It was, like, curly stuff packing material. I 3 can't -- I can't think of how to describe it. 4 Q. Okay. Do you remember seeing the name "Orton" on 5 the box -- on the outside of the box? 6 A. Yes. Um-hmm. 7 Q. Did Ceramics by Stu-doodle sell these types of 8 cones that were made by anyone else? 9 A. Not to my knowledge. 10 Q. Okay. 11 A. Because as a matter of fact, I have -- I think 12 there's one box I have at home that's got -- it's an 13 Orton cone box. 14 Q. Okay. And do you remember what type of box, what 15 the box looked like? 16 A. It was a white little -- a white little 17 cardboard. It was probably four-inch square, maybe 18 couple -- two to three inches high. 19 Q. Okay. 20 A. There were small boxes. 21 Q. Do you remember the boxes if they opened from the 22 top -- 23 A. Opened from the top. It was just, like, a -- it 24 opened from top to top. 25 Q. Okay. I'll ask you a better question.</p>	<p>1 A. Sure. 2 Q. I just saw hand motions -- 3 A. Okay. 4 Q. -- can't get down on the record. 5 A. Okay. 6 Q. And you sort of pulled that off. Was it -- let 7 me finish my question here for a better description. 8 Did the flap or the top of the box, was it 9 attached to the box so that you opened it and the lid 10 stayed on the box, or was it a lid that completely came 11 off the box, you had a bottom of the box and you had a 12 lid to the box that were separate? 13 A. It's, like, a bottom of the box, and the top of 14 the box was almost like a box. It was, like, the lid 15 fit over the box, but it was about the same size as the 16 box. 17 Q. Okay. 18 A. Like, if you picked up the lid and you were 19 picking up this big part, and it just slipped over the 20 bottom box. 21 Q. Yes, ma'am. 22 And do you remember what size of the cones -- and 23 by cones, are we talking about pyrometric cones here? 24 A. Yes. 25 Q. Do you remember what size?</p>
<p>1 A. They were -- oh, they were really tiny. Probably 2 maybe an inch. 3 Q. Okay. 4 A. But -- and they were skinny little cones. 5 Q. Okay. 6 A. They were just, like, a little triangle that went 7 to a point and had a big end and went to a point so when 8 they fired, they will just bend and it would shut the 9 kiln off. That was the purpose of them. 10 Q. Okay. Did you ever purchase these Orton cones on 11 behalf of Ceramics by Stu-doodle? 12 A. I did not. 13 Q. Okay. Do you know where those Orton cones came 14 from, how they came to be at Ceramics by Stu-doodle for 15 sale? 16 A. I assume that they would buy -- purchase them 17 directly from the company, the manufacturer, because 18 that's what they mostly did to the best of my knowledge. 19 I -- you know, because a lot of times I will do the 20 inventory. If we got low, I would just give Ms. Stuart 21 the order, you know, that we were down to "X" amount of 22 boxes, and we need to -- they need to be reordered, and 23 she would order them. 24 Q. Okay. Do you know if Marie or Eddie Stuart would 25 go to other -- I know you mentioned shows -- or they</p>	<p>1 would go up north to White Plains. Would they purchase 2 other products such as cones and bring them back for 3 sale? 4 A. Not to my knowledge. I don't remember any other 5 types because I think Orton also had them in a blister 6 pack, but I'm not -- I do remember that there was some 7 blister packs that we had, but most people bought them 8 by the box because it was lot less expensive. If you 9 were maybe somebody just doing, like, a -- somebody like 10 me that had a home -- you know, just wanted to do a 11 little bit, you could have just bought the blister packs 12 of them, but I don't remember buying anything like that 13 at shows. 14 Mostly, when they went to shows, it was just 15 different molds that came out or -- because a lot of 16 times when you were a distributor for these people, you 17 would have to meet a quota. Like, the paints, you will 18 have to buy so much to maintain your discount or 19 whatever to get a better price. 20 Q. Okay. Do you ever remember receiving a shipment 21 of cones? 22 A. Um-hmm. Yes I remember. They would come in, 23 like, a big box, and we would just unpack them and put 24 them on the shelf. They were -- all the boxes of them 25 were in just a big cardboard box.</p>

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.
Elaine Garrett on 04/03/2019

Pages 34..37

Page 34	Page 35
<p>1 Q. Do you know where those were shipped from?</p> <p>2 A. I can't say. I'm just assuming it's from the</p> <p>3 name that was on the box. You know, I can't remember.</p> <p>4 Q. Okay. Do you know where the Orton company is</p> <p>5 located?</p> <p>6 A. No, I can -- I would have to look on the box of</p> <p>7 cones. Right off to say I know, I can't --</p> <p>8 Q. Okay.</p> <p>9 A. -- verify that.</p> <p>10 Q. And you don't know for certain if the box or the</p> <p>11 shipment that you received there at Ceramics by</p> <p>12 Stu-doodle, if those came directly from Orton or if they</p> <p>13 came from another supplier?</p> <p>14 A. I just have to assume they came from Orton. I --</p> <p>15 to say they actually did, I can't 100 percent say.</p> <p>16 Q. Okay.</p> <p>17 A. But I just assumed that they did because, you</p> <p>18 know, she would order from the different -- all -- you</p> <p>19 know, manufacturers. I just don't know.</p> <p>20 Q. Okay. In this case, there was evidence from</p> <p>21 Orton, from their sales records, that they sold directly</p> <p>22 to Ceramics by Stu-doodle starting in November of 1977.</p> <p>23 That's the first --</p> <p>24 A. Okay.</p> <p>25 Q. -- sale to Ceramics by Stu-doodle, and I know</p>	<p>1 that you started working for Ceramics by Stu-doodle in</p> <p>2 1974?</p> <p>3 A. Um-hmm.</p> <p>4 Q. Is that right?</p> <p>5 A. That is correct.</p> <p>6 Q. So between 1974 and 1977, do you have any idea</p> <p>7 where Ceramics by Stu-doodle would have purchased Orton</p> <p>8 cones or bought them from?</p> <p>9 MR. SEALEY: Before you answer that, let me</p> <p>10 log an objection. Objection. Assumes facts not in</p> <p>11 evidence and mischaracterizes testimony of their</p> <p>12 corporate witness. There's no evidence that -- Orton</p> <p>13 does not have any record of sales from 1974 to 1977.</p> <p>14 Their -- you're making a misrepresentation to the</p> <p>15 witness in an attempt to get her to testify to something</p> <p>16 that your own corporate witness has testified he doesn't</p> <p>17 know one way or the other.</p> <p>18 BY MS. DRAYTON:</p> <p>19 Q. Do you have any information that Ceramics by</p> <p>20 Stu-doodle purchased directly from Orton, pyrometric</p> <p>21 cones prior to November of 1977?</p> <p>22 A. I don't know. I don't remember.</p> <p>23 Q. Okay. Okay. In terms of other distributors or</p> <p>24 other shops, other companies where Marie or Eddie Stuart</p> <p>25 would purchase products from, do you know the names of</p>
<p>1 any of those?</p> <p>2 A. Just the ones that I have mentioned. I just know</p> <p>3 Gare and Africana. I don't know of all the places they</p> <p>4 would purchase from. I just know they -- you know, that</p> <p>5 was the only cones that we carried, and Gare, we carried</p> <p>6 their supplies, and Africana, their supplies which was</p> <p>7 paint.</p> <p>8 Q. Okay. And you never personally placed an order</p> <p>9 with the Orton Foundation --</p> <p>10 A. No, I did not.</p> <p>11 Q. -- for any materials, right?</p> <p>12 A. Right.</p> <p>13 Q. Okay. Do you know if -- well, let me first ask</p> <p>14 you: Did Ceramics by Stu-doodle -- I believe you have</p> <p>15 mentioned a couple of things that they sold. Did they</p> <p>16 sell things, like, kiln furniture and that may have been</p> <p>17 like the post or the stilts that you were describing?</p> <p>18 A. Yes, that -- yeah, because they had to be used in</p> <p>19 the kilns.</p> <p>20 Q. Okay. Do you know where the @I want to kiln</p> <p>21 furniture. I don't know if you used that word @ the</p> <p>22 stilts or the posts where Ceramics by Stu-doodle</p> <p>23 purchased those materials?</p> <p>24 A. I -- I'm assuming that came from Gare who sold</p> <p>25 the kilns, but --</p>	<p>1 Q. Okay.</p> <p>2 A. -- I don't know.</p> <p>3 Q. Do you know if any kiln furniture was ever</p> <p>4 purchased directly from Orton?</p> <p>5 A. I don't know.</p> <p>6 Q. Okay. Did Ceramics by Stu-doodle sell any gloves</p> <p>7 that you would use when operating the kiln?</p> <p>8 A. Not to my knowledge, uh-uh.</p> <p>9 Q. Okay.</p> <p>10 A. Because what we had -- what came with the kiln</p> <p>11 was, like, a hook that you would use to open it, but I</p> <p>12 don't remember any gloves.</p> <p>13 Q. Okay. Do you remember any other what I'm just</p> <p>14 going to generally call tools or equipment used in the</p> <p>15 kilns or to use the kilns, to help you use those that</p> <p>16 they sold at Ceramics by Stu-doodle?</p> <p>17 A. Not that I know of. Just the kiln and the</p> <p>18 furniture or whatever, the stilts, the posts, the kiln</p> <p>19 wash that you put on the shelves, and the shelves that</p> <p>20 go in the kiln. That is all I know.</p> <p>21 Q. Okay. Did you ever -- as part of your job</p> <p>22 responsibilities or duties at Ceramics by Stu-doodle,</p> <p>23 did you ever write any checks or make payments to</p> <p>24 suppliers?</p> <p>25 A. No, I did not.</p>

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.
Elaine Garrett on 04/03/2019

Pages 38..41

Page 38	Page 39
1 Q. Is that something that Eddie and Marie Stuart 2 were responsible for? 3 A. Yes. 4 Q. Okay. Did you ever in your time working there at 5 Ceramics by Stu-doodle see any invoices from Orton or 6 from the Orton Foundation? 7 A. No. Uh-uh. 8 Q. Do you have any information about how the 9 purchasing process, particularly with Orton, how that 10 worked? 11 A. No. 12 Q. Okay. 13 A. Uh-uh. 14 (Affidavit of Elaine Garrett marked as Deposition 15 Exhibit No. 2) 16 BY MS. DRAYTON: 17 Q. Ms. Garrett, I'm going to show you Exhibit No. 2 18 that I'm going to mark here, a document I believe you 19 have seen before. It's labeled "Affidavit," and is that 20 your signature there at the bottom? 21 A. Yes, it is. 22 Q. Okay. Did you type this affidavit? 23 A. No. 24 Q. Okay. How did you receive the document? 25 A. I received it in the mail.	1 Q. Okay. And in order to prepare the document, did 2 you speak with someone over the phone? 3 A. I believe someone -- yeah. Someone called me on 4 this. 5 Q. Okay. Was that someone -- 6 THE DEPONENT: Was it you, Drew? 7 MR. SEALEY: I can represent that it was me. 8 BY MS. DRAYTON: 9 Q. Okay. So -- and Mr. Sealey is not counsel 10 representing you in this case -- 11 A. Okay. 12 Q. -- is that right? He is not your attorney -- 13 A. Right. 14 Q. -- representing you? Okay. I just wanted to 15 make sure. 16 What did the two of you talk about over the phone 17 when you were working on this affidavit or preparing it? 18 A. We just talked about just what it says here, that 19 I did work there and that -- just what it says here. 20 Q. Okay. 21 A. That is all. 22 Q. Okay. And I want to ask you specifically -- 23 well, let me go back and ask: You only received one 24 draft of this affidavit in the mail; is that right? 25 A. Yes.
Page 40	Page 41
1 Q. Okay. So you didn't make revisions to it or call 2 him back a second time with any revisions? 3 A. No. 4 Q. Okay. And have the two of you only talked once 5 over the phone about the affidavit? 6 A. We only talked about this this time, and then 7 about what date I would be available for this meeting, 8 so it's just been twice. 9 Q. Okay. Perfect. You only -- 10 MR. SEALEY: And before we walked in today 11 when I met -- 12 THE DEPONENT: Yes, that was right, when he 13 was out there waiting. 14 BY MS. DRAYTON: 15 Q. Yes, ma'am. I'm not going to be that technical. 16 Other than this affidavit, have the -- what have 17 the two of you talked about, and pleasantries obviously 18 or the weather or those kinds of things? 19 A. Yes, that's -- that's basically it. 20 Q. Okay. I want to ask you about paragraph number 21 four, and it states, just for the record, Ceramics by 22 Stu-doodle sold Orton pyrometric cones which were 23 purchased directly from Orton on a regular and 24 continuous basis during my employment. 25 How do you know that those cones were purchased	1 directly from Orton? 2 A. Well, because they -- that's where they usually 3 -- that's the boxes that they came in that had the Orton 4 cones on it, so I'm saying that's where they purchased 5 them directly from. 6 Q. Do you know how often Ceramics by Stu-doodle 7 purchased cones from Orton? 8 A. On a regular basis as we got low. I can't say 9 exactly how often, but I mean, they used -- that's what 10 we used during the time that I was employed there, so -- 11 Q. Okay. 12 A. And we sold a lot of cones to the different 13 places, you know, dealers. 14 Q. Okay. And when you say you "sold a lot of 15 cones," do you have any idea how many cones you sold? 16 A. No, I don't. 17 Q. Weekly, monthly basis? 18 A. No, it's been a long, long time ago. I -- I 19 don't know. I mean, I know that the dealers would come 20 there, and they will buy a lot of different supplies, 21 and they would buy boxes. There was different types of 22 cones, you know. You had them for different 23 temperatures that you were firing, so, you know, we just 24 sold -- I just -- you know, we sold them. 25 Q. Okay. And when you say that you -- by "you," I'm

Page 42	Page 43
<p>1 going to say Ceramics by Stu-doodle purchased cones 2 directly from Orton on a regular basis. How often is a 3 regular basis, what do you mean by that?</p> <p>4 A. Well, since, you know, we bought -- they bought 5 from that company, and that was the only cones that we 6 sold, we kept them in stock. I don't know. I would say 7 maybe every -- at least every three or four months. You 8 know, I'm just guessing.</p> <p>9 I have -- I don't know. It's just I know we 10 just, you know, sold them, and whatever their quota was 11 that they had to buy, that's what they would always buy.</p> <p>12 Q. Okay.</p> <p>13 A. Because I know because we did inventory so, you 14 know, when I had -- gave her the sheet what she needed 15 to buy, that's --</p> <p>16 Q. Okay. And that's when you would tell 17 Mrs. Stuart, as you called her, you know, we're low on 18 these types of cones, we need to order more; is that 19 right?</p> <p>20 A. Yes.</p> <p>21 Q. And then Ms. Stuart would go and order those 22 cones?</p> <p>23 A. That is correct.</p> <p>24 Q. You don't have any information to know where 25 Mrs. Stuart was purchasing those cones from?</p>	<p>1 A. Well --</p> <p>2 MR. SEALEY: Form.</p> <p>3 A. -- since Orton was on the box, I would say that 4 she would be buying them from Orton. You know, I don't 5 remember her -- or, you know, buying from anywhere else.</p> <p>6 THE COURT REPORTER: Did you say just 7 "form?"</p> <p>8 MR. SEALEY: Form. Foundation.</p> <p>9 THE COURT REPORTER: Okay.</p> <p>10 BY MS. DRAYTON:</p> <p>11 Q. Okay. And do you remember when you first started 12 doing the inventory there for Ceramics by Stu-doodle, 13 when you first started?</p> <p>14 A. Well, it may have been a little while after I 15 first started, you know, because like I said, I was in 16 different areas. It wasn't as busy when I first 17 started, but it was growing so --</p> <p>18 Q. Okay.</p> <p>19 A. -- I just, you know, did it quite often.</p> <p>20 Q. Okay. I'm going to come back to that in a second 21 and go back off the topic.</p> <p>22 I know that Marie and Eddie Stuart moved here 23 from Virginia; is that right?</p> <p>24 A. Um-hmm.</p> <p>25 Q. And did they operate the same or -- type of</p>
Page 44	Page 45
<p>1 business in Virginia before they moved here?</p> <p>2 A. I don't believe so. I think he was in the Navy, 3 and they retired and moved down here, and that's when -- 4 I don't know. I can't remember. I don't believe they 5 did. I think that's when they bought the old 6 schoolhouse and remodeled it with the idea they were 7 going into ceramics --</p> <p>8 Q. Okay.</p> <p>9 A. -- to do that. She was an artist. You know, she 10 was very good at painting and --</p> <p>11 Q. Okay. And she was an artist even when she lived 12 in Virginia or before she moved here?</p> <p>13 A. I don't know if that was her profession, but she 14 was very talented. I mean, she did paintings and all, 15 but I don't know what she did before she moved down 16 here. I really don't.</p> <p>17 Q. Do you know if they would go to Virginia to 18 purchase any supplies or products that were sold in the 19 store?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. Okay.</p> <p>22 A. I don't know.</p> <p>23 (Affidavit of Mark Lawson marked as Deposition 24 Exhibit No. 3)</p> <p>25 BY MS. DRAYTON:</p>	<p>1 Q. I just want to introduce one more document.</p> <p>2 Ms. Garrett, I'm going to show you another 3 document, and I promise you're not going to read -- I'm 4 not going to ask you to read the whole thing there. 5 We're not going to go through the whole thing. It's 6 just there's a complete copy to make things easier.</p> <p>7 I've shown you what's marked the bottom 8 right-hand corner as Exhibit 3, and at the top, in bold 9 letters, Affidavit of Mark Lawson in Support of 10 Defendant Edward Orton, etc., etc., but you can read 11 through the document if you would like to.</p> <p>12 I'm not going to ask you a lot of questions about 13 it, but I will assert to you for your reference 14 Mr. Lawson in the first paragraph states that he's the 15 general manager for Edward Orton Foundation and has been 16 since January 2018.</p> <p>17 I want to ask you a couple -- a question or two 18 of page three. Feel free to read that if you feel more 19 comfortable.</p> <p>20 A. That's fine.</p> <p>21 Q. Okay. I would like to direct you to the 22 paragraphs numbered on the left-hand side, number 22 at 23 the bottom of page 3, and I'd just like to read this 24 with you. It states, The Foundation recently discovered 25 daily ledgers or receipt journals dated December 2nd,</p>

Page 46	Page 47
<p>1 1963, through December 30th, 1985. According to the 2 journal entries, it appears that the Foundation sold 3 products to a company listed in the receipts journal as 4 Ceramics by Stu-doodle. 5 May I first ask you or have you ever heard of any 6 other company names Ceramics by Stu-doodle? 7 A. Uh-uh. 8 Q. Just this one here in Elizabeth City is the only 9 one that you're aware of? 10 A. Um-hmm. 11 Q. Okay. Continuing on to page four, it states 12 there at the top, There were a total of 12 transactions 13 amounting to approximately \$1,496.99 between the 14 Foundation and Ceramics by Stu-doodle. The 12 pages 15 reflecting those transactions are attached hereto. 16 And for your ease of reference, I will ask you 17 just to flip to -- it's on the side of the page, it's 18 page 9 of 20, and it's on the -- yeah, right there. The 19 side, and at the top it says, in the right corner, 20 Exhibit B, and then it's got a handwritten document at 21 the top, it says, Receipts, Journals, November 1977. 22 Do you see that there at the top? 23 A. Um-hmm. 24 Q. And on this page -- I was trying to point to the 25 line number.</p>	<p>1 A. Yes, I see Ceramics, line 8. 2 Q. You see that number 8, and it has the company 3 listed there with an amount of \$226.06. I ask you to 4 read all of that to simply ask you: Do you have any 5 different information in your work there at Ceramics by 6 Stu-doodle that would account for any other direct 7 transactions between Orton, the Orton Foundation and 8 Ceramics by Stu-doodle other than those 12 transactions 9 that were referenced in the affidavit that you just 10 read? 11 MR. SEALEY: Objection to form. 12 BY MS. DRAYTON: 13 Q. That was long question. Do you want me to 14 reask -- 15 A. Yes. I don't have a -- I don't know. 16 Q. Okay. If the entry that I just showed you, 17 November -- 18 A. Um-hmm. 19 Q. -- 1977, that handwritten entry, if that is the 20 very first entry showing any direct transaction between 21 Orton and Ceramics by Stu-doodle, do you have any 22 information to dispute that? 23 MR. SEALEY: Objection to form. And the use 24 of this document as evidence that that was the first 25 transaction that took place between Orton and Ceramics</p>
Page 48	Page 49
<p>1 by Stu-doodle, again, the same corporate representative 2 who signed this affidavit acknowledged that he doesn't 3 know one way or the other if these -- if this document, 4 Exhibit B, is inclusive of all transactions conducted by 5 Orton. 6 You're using it to misrepresent to the 7 client that that was the first transaction between Orton 8 and Ceramics by Stu-doodle when your own corporate 9 representative says he doesn't have any evidence if 10 that's case. 11 MS. DRAYTON: I will object to the speaking 12 objection. 13 BY MS. DRAYTON: 14 Q. Let me ask you again, Ms. Garrett: Do you have 15 any knowledge or information about direct transactions 16 between the Orton Foundation and Ceramics by Stu-doodle 17 prior to November of 1977? 18 MR. SEALEY: Form. Foundation. 19 A. I don't have any. 20 BY MS. DRAYTON: 21 Q. Okay. 22 A. Anything. 23 Q. Do you have any way of knowing for certain that 24 Ceramics by Stu-doodle purchased directly from Orton 25 prior to November 1977?</p>	<p>1 MR. SEALEY: Form. Foundation. 2 A. No, because I didn't do the purchasing. 3 BY MS. DRAYTON: 4 Q. Okay. 5 A. I just -- and I don't remember. That's been a 6 long time ago. 7 Q. Okay. And along those same lines, is it possible 8 that Marie and Eddie Stuart purchased products through 9 another distributor or another company, even Gare, 10 buying Orton cones directly from other stores other than 11 Orton? 12 MR. SEALEY: Form. Foundation. Calls for 13 speculation. 14 A. I don't know. 15 BY MS. DRAYTON: 16 Q. You don't -- you just don't know one way or 17 another? 18 A. (Deponent nodded) 19 Q. I want to also ask you, you told me about the 20 Gare and the Duncan. We talked about Duncan products. 21 You don't remember Ceramics by Stu-doodle selling those 22 products? 23 A. We didn't carry Duncan, no. 24 Q. The wet slip product that you were telling me 25 about, this is a question I'm not sure if you can</p>

Page 50	Page 51
<p>1 answer, but if someone would come in and buy a 2 two-gallon bucket worth of wet slip, is that right, 3 about how long would that last a customer? How many 4 molds could you make with that?</p> <p>5 A. You could make quite a bit of items, greenware 6 from that. It just depends. You could get 10 or 20 7 pourings depending on how big the mold you had, 8 depending on what you were using.</p> <p>9 Q. Did you say "10 or 20" molds?</p> <p>10 A. Yeah, you do -- it's -- each of that goes into a 11 mold. If you have a mold that size -- I mean, there's 12 all different size molds, different products. You can 13 do Christmas ornaments. You can do figurines, plaques. 14 It just depends. I mean, it went a little ways.</p> <p>15 Q. Okay. Do you have a memory or recollection of 16 Ms. Holly Webster purchasing the wet slip product there 17 at Ceramics by Stu-doodle?</p> <p>18 A. Yes. Um-hmm.</p> <p>19 Q. Okay. Do you have a memory or reference as to 20 how often she would purchase that product from Ceramics 21 by Stu-doodle?</p> <p>22 A. No, not how often. I mean, she came in pretty 23 often. What products she bought as far as the slip, I 24 mean, I don't remember how often she would purchase 25 that.</p>	<p>1 Q. Okay. How often would you see Ms. Holly Webster 2 there at Ceramics by Stu-doodle?</p> <p>3 A. She would come either -- at least probably every 4 other week.</p> <p>5 Q. Okay. And when she came to Ceramics by 6 Stu-doodle, was she always there to purchase items or 7 was she there --</p> <p>8 A. Yes, to purchase items.</p> <p>9 Q. Do you remember what items she would purchase?</p> <p>10 A. She purchased the paint, the cones, the slip, 11 some greenware because she would pour some of her own 12 molds, and then she would buy, you know, items that we 13 had, too.</p> <p>14 Q. In terms of molds that were already, @she would 15 buy molds there?</p> <p>16 A. Um-hmm. Yeah, we sold molds and the greenware, 17 the greenware, too, so --</p> <p>18 Q. Okay. Do you have a memory or recollection of 19 Ms. Holly Webster purchasing Orton cones from Ceramics 20 by Stu-doodle?</p> <p>21 A. Yes, she would purchase cones. Um-hmm.</p> <p>22 Q. Do you remember how often she would purchase 23 those cones?</p> <p>24 A. No.</p> <p>25 Q. Do you remember -- I know you referenced every</p>
<p style="text-align: center;">Page 52</p> <p>1 other week, would she purchase cones every time she came 2 to Ceramics by Stu-doodle?</p> <p>3 A. I don't think so. Not every time.</p> <p>4 Q. And I think I've asked you a similar question, 5 but I just want to make sure. In terms of the Ceramics 6 by Stu-doodle clients or customers, you talked about the 7 retail customers and then individuals like Ms. Holly 8 Webster, was there any other type of customer other than 9 those two individuals versus retail?</p> <p>10 A. What do you mean? I'm sorry.</p> <p>11 Q. Sure. And I'll ask a better question.</p> <p>12 The Ceramics by Stu-doodle, the types of 13 customers that you all sold to there, would be a type 14 like Ms. Webster, individuals?</p> <p>15 A. Right.</p> <p>16 Q. Then you referenced a retail customer --</p> <p>17 A. Yes.</p> <p>18 Q. -- that you sold to. Was there any other type of 19 customer that you would -- that the store would sell --</p> <p>20 A. Oh.</p> <p>21 Q. -- to that. I'm not -- that we haven't talked 22 about?</p> <p>23 A. No, I mean, we would just have a customer like 24 Ms. Holly that we called dealers that had a shop and 25 would sell supplies to students they taught classes to,</p>	<p style="text-align: center;">Page 53</p> <p>1 and then when I say "retail," it could be people coming 2 -- like, some of their students maybe or people in the 3 area that went to different classes, ceramics classes, 4 that would come buy supplies or just to see what we had.</p> <p>5 Q. Okay. If you could estimate a percentage of how 6 many customers were the retail customers versus the 7 individual customers like Ms. Webster, do you have any 8 percentage of -- how would you break that down?</p> <p>9 A. Probably 80 -- I would say 80 percent was dealers 10 like Ms. Webster. Maybe 20 percent for retail people.</p> <p>11 Q. Okay. And the retailers that you would sell to, 12 were all here in North Carolina or I guess they could 13 have been from Virginia?</p> <p>14 A. They come from Virginia, too.</p> <p>15 Q. Okay. When Holly Webster would come in and shop 16 at Ceramics by Stu-doodle, do you remember anyone being 17 with her?</p> <p>18 MR. SEALEY: Asked and answered.</p> <p>19 A. Her daughter would come a lot.</p> <p>20 BY MS. DRAYTON:</p> <p>21 Q. Okay. Do you remember anyone else that was there 22 with her or with Ms. Webster, Holly Webster?</p> <p>23 A. Sometimes she would have one of her students with 24 her maybe.</p> <p>25 Q. Okay. And are you able to estimate how many</p>

Page 54	Page 55
<p>1 boxes of cones Ms. Holly Webster would buy at a time 2 when she would come to Ceramics by Stu-doodle?</p> <p>3 A. No, it's been a long time ago.</p> <p>4 Q. And I think I generally asked you terms of 5 Ceramics by Stu-doodle being in business, their entire 6 tenure there, was it a 15, 20-year period or how long 7 were they in business, do you remember?</p> <p>8 A. I don't remember.</p> <p>9 Q. Okay. The Pottery Arts store in Virginia that we 10 talked about did you ever visit the store?</p> <p>11 A. I did not.</p> <p>12 Q. Okay. And as far as you know, did they sell the 13 same types of things that Ceramics by Stu-doodle sold?</p> <p>14 A. Yes.</p> <p>15 MR. SEALEY: Asked and answered. Calls for 16 speculation.</p> <p>17 BY MS. DRAYTON:</p> <p>18 Q. You believe that store was located off Witchduck 19 Road in -- was that in Norfolk or Virginia Beach?</p> <p>20 A. Yeah, I believe so. It sounds familiar, but I've 21 never been there. I just heard of them. I just knew 22 they were our competitor --</p> <p>23 Q. Okay.</p> <p>24 A. -- at the time I worked there.</p> <p>25 Q. Ms. Garrett, I believe I'm almost done. I asked</p>	<p>1 you about everything I want to ask. I just want to 2 check to make sure I don't waste any more of your time.</p> <p>3 Did you ever see -- I'm going to jump around from 4 topic here to topic -- any checks that were written by 5 Ceramics by Stu-doodle or from Ceramics by Stu-doodle 6 directed to the Orton Foundation?</p> <p>7 A. I didn't see any.</p> <p>8 Q. Okay. And I believe -- I just want to ask you 9 about a couple of names. You said that Eddie Stuart has 10 passed away, and did you say Ray Eason has passed away?</p> <p>11 A. Yes. Um-hmm.</p> <p>12 Q. And the other two, do you know the other two 13 ladies, Bonnie Hoffman or Ricky Upton?</p> <p>14 A. Ricky was a gentleman, but --</p> <p>15 Q. Man. Okay.</p> <p>16 A. Yeah.</p> <p>17 Q. Do you know if they are still living?</p> <p>18 A. Yeah, they are.</p> <p>19 Q. Are they still in the same area, is that 20 Elizabeth City?</p> <p>21 A. As far as I know, they are.</p> <p>22 Q. And do you keep in touch with Lisa Stuart?</p> <p>23 A. Occasionally, yeah, I see her. Um-hmm.</p> <p>24 Q. Okay. And I just want to make sure I understand 25 in terms of your relationship with Karen Cahoon, her</p>
Page 56	Page 57
<p>1 sister-in-law Terry --</p> <p>2 A. Um-hmm.</p> <p>3 Q. What's Terry's last name?</p> <p>4 A. Cahoon.</p> <p>5 Q. Okay. And Terry's brother, how are they related?</p> <p>6 A. Terry -- let's see. They married brothers.</p> <p>7 Q. Okay.</p> <p>8 A. Karen's husband and Terry's husband are brothers.</p> <p>9 Q. And aside from seeing Karen Cahoon I believe at 10 the hospital for the family member --</p> <p>11 A. Yes.</p> <p>12 Q. -- when was the last time prior to that that you 13 saw her?</p> <p>14 A. Probably when I worked at Stu-doodle and she 15 would come in with her mom.</p> <p>16 Q. Okay. And I don't believe I asked, but what did 17 Karen Cahoon tell you about this case?</p> <p>18 A. Well, she just told me that she was filing suit 19 because of the cones and what they used to pack the 20 cones in.</p> <p>21 Q. Did she tell you anything else?</p> <p>22 A. I don't believe so. That was just the basis of 23 it, and that, you know, she wanted my number in case 24 somebody wanted to contact me, and I said, Okay. And we 25 were at the hospital, so we didn't talk a whole lot</p>	<p>1 about it.</p> <p>2 Q. Sure. Ms. Holly Webster, when is the last time 3 that you spoke to her?</p> <p>4 A. I would see her -- geez. I don't know, and in 5 town now and then, in Elizabeth City, out to eat, lunch 6 hour, but I can't say exactly the last time it was.</p> <p>7 MS. DRAYTON: Okay. I think those are all 8 the questions that I have. Mr. Sealey may have 9 questions.</p> <p>10 MR. SEALEY: I just have just a couple of 11 minutes, and then we'll leave you alone.</p> <p>12 THE DEPONENT: Okay.</p> <p>13 BY MR. SEALEY:</p> <p>14 Q. You have come here today on your own free will, 15 no one has offered you anything to come testify today, 16 correct?</p> <p>17 A. Right.</p> <p>18 Q. Okay. You started with Ceramics by Stu-doodle 19 when you graduated from high school about 1974. At that 20 period of time, you remember them carrying Orton cones 21 as well, correct?</p> <p>22 A. That's correct.</p> <p>23 Q. And this affidavit spells it out, but it might 24 refresh your recollection that Orton cones was a 25 foundation that was based in Ohio, specifically,</p>

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.
Elaine Garrett on 04/03/2019

Pages 58..61

Page 58	Page 59
1 Westerville, Ohio, and they moved to Columbus, Ohio.	1 you didn't have, correct?
2 Does that ring a bell also where Orton cones were	2 A. Correct.
3 located?	3 Q. Okay. So is it fair to say that you would have
4 A. Yes, I believe so.	4 to purchase Orton cones on a regular and continuous
5 Q. Okay. In fact, it will say that name on the	5 basis to keep them stocked in the store?
6 boxes of cones?	6 A. Correct.
7 A. Right.	7 Q. Okay. And you said that Holly came into the
8 Q. Okay. And when you would receive those cones to	8 store pretty regularly, at least every other week to
9 open and stack them on the shelves, they were packaged	9 purchase items?
10 in an external box?	10 A. Um-hmm. Correct.
11 A. Right.	11 Q. As you indicated, you don't believe that she
12 Q. They would have the -- bear the Orton name as	12 always purchased Orton cones, but you believe that she
13 well, correct?	13 purchased Orton cones frequently?
14 A. Yes. Um-hmm.	14 A. Oh, yeah. Um-hmm.
15 Q. Okay. To your knowledge, Ceramics by Stu-doodle	15 Q. Okay. Are you aware of any other distributors of
16 never purchased Orton cones from Gare, correct?	16 Orton cones within 50 miles of Elizabeth City, North
17 A. To my knowledge, they didn't.	17 Carolina during that period of time?
18 Q. Okay. From time to time, you said that you would	18 A. No, I'm not aware of any.
19 be looking at the stack of the Orton cones and you would	19 Q. Okay. And your competitor in Norfolk -- see how
20 let Ms. Stuart know if more inventory needed to be	20 I said that. I lived there for a bit. I got it right.
21 ordered. Were Orton cones always stocked at Ceramics by	21 Norfolk -- Pottery Arts, you don't know one way or
22 Stu-doodle?	22 another if they sold Orton cones, correct?
23 A. Yes, they were.	23 A. I don't know.
24 Q. So you don't ever remember Holly or somebody else	24 Q. Okay. Do you know how close Holly Webster lived
25 coming into the store and asking for Orton cones that	25 to Ceramics by Stu-doodle?
Page 60	Page 61
1 A. Let's see. It was probably at that time about	1 -- she worked in sales to kind of help in sales if they
2 maybe a 30-minute drive, so whatever --	2 got busier and materials had to be packed and --
3 Q. Okay.	3 Q. Okay. Do you think that was in the last four or
4 A. She lived on one side of Elizabeth City, and	4 five years of your employment there or --
5 Ceramics by Stu-doodle was clear on the other side.	5 A. I would probably -- it could have been a little
6 Q. Okay.	6 bit longer than that.
7 A. It was north of town.	7 Q. Okay. It was the practice of Ceramics by
8 Q. Okay. And yet, she still managed to come in	8 Stu-doodle and the Stuart family to the best of your
9 every other week to purchase products?	9 knowledge to purchase directly from manufacturers of
10 A. Yeah, I would say about that. I mean, it may not	10 products, correct?
11 have been quite as frequently, but if I had to guess	11 A. Yes, that is correct.
12 because I know she taught classes.	12 MR. SEALEY: Sorry. I'm also looking over
13 Q. Okay. Was she one of your largest customers?	13 my notes here.
14 A. Oh, yes. Um-hmm.	14 THE DEPONENT: That's okay.
15 Q. You indicated that Bonnie Hoffman and Ricky Upton	15 MR. SEALEY: Ms. Garrett, I think that's all
16 came along later in terms of their employment there?	16 the questions I have for you. Amy --
17 A. Yeah.	17 MS. DRAYTON: I have one or two.
18 Q. Do you remember --	18 BY MS. DRAYTON:
19 A. -- Ricky was -- I don't know what time they	19 Q. How long would the Stuarts -- right?
20 started. He was still in school, and he would come,	20 A. Yes.
21 like, part-time. We -- they needed somebody to pour	21 Q. -- the Stuarts go to shows?
22 molds, and that's mainly what he did.	22 A. Maybe once a year or every two years. It wasn't
23 Q. Okay.	23 that often, but they would like to -- you know, they
24 A. Now, Bonnie worked there because she lived like I	24 would go.
25 did, was -- she lived close to there, and she would come	25 Q. And where were some of those shows they went to?

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Pages 62..65

Page 62	Page 63
1 A. I know one -- now, I think about it, might have 2 been in Lynchburg, Virginia. That was a show, but most 3 of the times, they would go to, like -- I would hear 4 them up north, like, to some of the mold -- if they were 5 going to the mold shows, it was up near White Plains.	1 or the best way to get in touch with you? 2 A. Yeah, I can give you my number. It's -- 3 Q. Would you prefer to do that off the record? Does 4 it matter? We can go off the record. 5 A. Okay. 6 (Off the record)
6 Q. Okay. When you said they were going to White 7 Plains, were those to shows or artist -- 8 A. They would buy molds, but I would -- I'm not 9 sure. I just thought there was a show that they would 10 have, like, a mold sale up there, but -- 11 Q. Okay. Sort of like a trade show? 12 A. Yes. Yes. 13 Q. Or -- do you know if they purchased other 14 products when they were up there, bought products of 15 different types to assemble -- 16 A. I don't know. 17 Q. Okay. Did they go certain times of the year, do 18 you remember? 19 A. I think it was more like during the winter months 20 they will go. 21 Q. Perfect. I do have one other question that again 22 is not intended to be nosy, but just because you're a 23 witness in this case and when it goes to trial we may be 24 ask -- or may ask you to testify, would you be willing 25 to share with me, even off the record, your phone number	7 MS. DRAYTON: We appreciate your time. 8 MR. SEALEY: I might just have one or two 9 follow-ups. 10 BY MR. SEALEY: 11 Q. Did you, yourself, ever go to any of those shows? 12 A. No, I went to -- no, not really. I went to the 13 one in I think it was Lynchburg one time with them, and 14 that was -- we just walked around, and it was a whole 15 show, but that was -- that was the only one I went to. 16 Q. Okay. And the purpose of those shows is to show 17 off new molds, correct? 18 A. Mostly, yeah. The new -- um-hmm. 19 Q. You never saw a stand or a booth for Orton 20 pyrometric cones -- 21 A. No. 22 Q. -- they were selling? 23 So that wasn't the kind of shows where they were 24 selling product, right, they would just introduce you to 25 new molds?
Page 64	Page 65
1 A. Yes. Um-hmm. Because that's what kind of the 2 basis of everything is, the new molds -- 3 Q. Gotcha. 4 A. -- what's ceramics, is the molds is what it was 5 or it could be paint, but -- 6 MR. SEALEY: Okay. Thank you. That's all 7 the questions I have. 8 MS. DRAYTON: Thank you very much. 9 (Whereupon, the deposition was concluded at 10 12:42 p.m.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 STATE OF NORTH CAROLINA AT LARGE, to wit: 2 I, Bria L. Pintado, a Notary Public for the State 3 of North Carolina at Large, of qualification in the 4 County of Currituck, and whose commission expires 5 January 20, 2024, do hereby certify that the 6 within-named deponent, ELAINE GARRETT, appeared before 7 me at Elizabeth City, North Carolina, as hereinbefore 8 set forth, and after being first duly sworn by me, was 9 thereupon examined upon her oath by counsel for the 10 parties; that her examination was recorded in Stenotype 11 by me and reduced to computer printout under my 12 direction; and that the foregoing constitutes a true, 13 accurate, and complete transcript of such proceedings. 14 I further certify that I am not related nor 15 otherwise associated with any counsel or party to this 16 proceeding, nor otherwise interested in the event 17 thereof. 18 Given under my hand and notarial seal this 19 April 15, 2019, at Elizabeth City, North Carolina. 20 21 22 23 24 25

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: \$1,496.99..amount

Exhibits	54:6	60:2	A
GarrettE - 1 3:6 6:5,7	17 9:13 1963 46:1	30th 46:1 5	a.m. 4:5 account 8:21 47:6
GarrettE - 2 3:7 38:15, 17	1974 8:17 35:2,6,13 57:19	50 59:16	acknowledged 48:2
GarrettE - 3 3:7 44:24 45:8	1977 34:22 35:6,13,21 46:21 47:19	6	address 6:19,20
\$	48:17,25	7	adhering 21:20
\$1,496.99 46:13	1984 8:18 1985 46:1	74 9:12	affidavit 14:15 38:14,19, 22 39:17, 24 40:5,16 44:23 45:9
\$226.06 47:3		8	47:9 48:2 57:23
1	2	8 47:1,2	
1 6:5,7	2 38:15,17 20 12:4	80 53:9	Africana 24:8,16
10 12:2,3 16:21 50:6,9	46:18 50:6,9 53:10	9 46:18	36:3,6
10-pound 23:10	20-year 54:6 2018 45:16	90s 12:8 94 13:15	age 7:12 agreement
100 34:15	2019 4:5		4:4
11:29 4:5	22 45:22	@	ahead 13:4 27:16
12 46:12,14 47:8	2nd 45:25	@business 12:10	Ahoskie 19:22,24
1208 4:6	3	@I 36:20	Albemarle 4:6
12:42 64:10	3 4:5 44:24	@karen 24:24	amount 32:21
13 7:9	45:8,23	@she 51:14	47:3
15 12:4	30-minute		

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: amounting..box

amounting	34:14	bags	16:11	33:5,7,11
46:13	assumed		17:13 22:5	bold 6:20
Amy 4:11	34:17		23:9,10	45:8
61:16	Assumes		based 57:25	Bonnie
answers 26:9	35:10		bases 11:15	12:20,22
anticipate	assuming		basically	55:13
5:1 26:9	34:2 36:24		24:7 40:19	60:15,24
anticipating	attached		basis 40:24	book 26:22
9:23	31:9 46:15		41:8,17	bookkeeping
appears 46:2	attack 14:7		42:2,3	11:3
approximately	attempt		56:22 59:5	books 27:17
46:13	35:15		64:2	booth 63:19
April 4:5	attorney		Beach 10:6	boss 25:15
area 7:1,24	39:12		54:19	bottom
13:9 15:25	aware 46:9		bear 58:12	31:11,13,
23:24 25:8	59:15,18		behalf 4:2	20 38:20
53:3 55:19			32:11	45:7,23
areas 20:6	B		bell 58:2	bought 18:2
43:16	back 4:23		bend 32:8	20:10,16
artist 44:9,	5:8 11:21		big 11:6	21:4,6
11 62:7	14:20		18:24,25	27:25
Arts 19:9	16:1,25		31:19 32:7	28:14
23:25	21:25 23:8		33:23,25	29:15
24:22	33:2 39:23		50:7	33:7,11
25:14,21	40:2		bigger 18:6	35:8 42:4
28:15,20	43:20,21		44:5 50:23	
29:14 54:9	background		bisque 24:15	62:14
59:21	6:23		bit 4:18	box 29:23
assemble	bad 5:13,21		9:15 11:2,	30:5,12,
62:15	26:7		3,4 15:8,	13,14,15
assert 45:13	bag 16:17		11 20:19	31:8,9,10,
assume 6:1	17:4,8		33:11 50:5	11,12,13,
32:16	18:12		59:20 61:6	14,15,16,
			blister	20 33:8,

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: boxes..ceramics

23, 25	11:25 19:3	21:17	catalog
34:3, 6, 10	44:1 54:5,	22:13, 15	27:18
43:3 58:10	7	24:15	catch 10:22
boxes 30:20,	busy 43:16	37:14 40:1	ceilings
21 32:22	buy 11:8, 17	called 8:11	18:24
33:24	13:23	11:13	
41:3, 21	16:11, 15	13:14 16:5	ceramic
54:1 58:6	17:15	19:9 39:3	11:4, 17
brand 24:6,	19:12, 20	42:17	25:10
17	20:7, 9, 16,	52:24	ceramics
break 53:8	20, 21, 22,	Calls 49:12	8:11 9:8,
	24 25:13,	54:15	17 10:3
breakable	14, 20 27:9	car 16:23,	11:6, 20
22:25	28:25	24 18:10	14:22
Bria 4:2	29:16		18:19 19:5
bring 33:2	32:16	cardboard	20:2, 12
	33:18	30:17	21:13
brother 8:6	41:20, 21	33:25	22:2, 15, 16
56:5	42:11, 15		23:23
brother-in-law	50:1	Carolina	25:20
14:7	51:12, 15	4:3, 7 7:8	28:16 30:7
brothers	53:4 54:1	8:3 25:9	32:11, 14
56:6, 8	62:8	53:12	34:11, 22,
brushes	buying 26:15	59:17	25 35:1, 7,
20:17	33:12	carried	19 36:14,
	43:4, 5	28:15 36:5	22 37:6,
bucket	49:10	carry 24:20	16, 22 38:5
17:23, 25		49:23	40:21 41:6
50:2	C		42:1 43:12
buckets	Cahoon 4:13	carrying	44:7 46:4,
16:14	13:21 14:4	57:20	6, 14 47:1,
18:4, 7	55:25	case 6:25	5, 8, 21, 25
busier 15:8	56:4, 9, 17	14:12, 15	48:8, 16, 24
61:2	call 15:14	34:20	49:21
business	16:6 19:11	39:10	50:17, 20
10:10, 12	20:10	48:10	51:2, 5, 19
		56:17, 23	52:2, 5, 12
		62:23	53:3, 16

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: chance..county

54:2,5,13	clients	competitors	12,13,16,
55:5 57:18	19:16 52:6	23:23	22 63:20
58:15,21	close 59:24	25:7,10	congratulation
59:25 60:5	60:25	complete	s 7:21 8:24
61:7 64:4	closed 12:1	45:6	contact
chance 24:23	closing	completely	14:18
check 55:2	12:15	20:23	56:24
checks 37:23	coated 21:22	31:10	Continuing
55:4	College 4:5	concluded	46:11
Chick-fil-a	color 23:5	64:9	continuous
17:8	Columbus	conducted	40:24 59:4
children	58:1	48:4	conversation
7:23,25	comfortable	cone 30:13	4:22 5:6
Chowan 8:5	45:19	cones 20:17	converted
Christmas	commencing	29:17,20,	18:22,23
50:13	4:4	21,22,23	copy 6:7,15
City 4:6	companies	30:8	45:6
7:6,8	26:14	31:22,23	corner 45:8
9:20,21	27:1,9,16,	32:4,10,13	46:19
20:6 46:8	18 35:24	33:2,21	corporate
55:20 57:5	company	34:7 35:8,	35:12,16
59:16 60:4	8:11,12,22	21 36:5	48:1,8
classes	11:7,11	40:22,25	correct 35:5
11:19,20	32:17 34:4	41:4,7,12,	42:23
52:25 53:3	42:5 46:3,	15,22	57:16,21,
60:12	6 47:2	42:1,5,18,	22 58:13,
clay 15:15	49:9	22,25	16 59:1,2,
20:19	competition	49:10	6,10,22
28:10	19:9	51:10,19,	61:10,11
clean 22:24	competitor	21,23 52:1	63:17
clear 60:5	25:18	54:1	counsel 4:4
Clemmons 8:7	54:22	56:19,20	39:9
client 48:7	59:19	58:2,6,8,	county 8:4,
		16,19,21,	5,7
		25 59:4,	

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: couple..dump

couple	4:21	53:19	61:14	19:8 21:7 ,
12:24		daughter's	deposition	10 33:16
27:22		10:16	4:1,19	49:9
30:18			6:4,8	distributors
36:15		day 15:24	38:14	19:6 35:23
45:17 55:9	55:9	days 6:13	44:23 64:9	59:15
57:10		dealers		
court	4:23	11:16	describe	document
10:22		20:10	16:8 29:20	38:18,24
26:11		27:17	30:1,3	39:1 45:1 ,
43:6,9		41:13,19	describing	3,11 46:20
		52:24 53:9	36:17	47:24 48:3
created			description	draft 39:24
22:24		dealt 27:17	31:7	Drayton
curly	30:2	deceased		4:10,12
current	6:20	12:19	direct 45:21	6:6,10
8:19		December	47:6,20	35:18
customer		45:25 46:1	48:15	38:16 39:8
15:4 50:3		Defendant	directed	40:14
52:8,16 ,		45:10	55:6	43:10
19,23		Defendants	directly	44:25
customers		4:2	32:17	47:12
20:8 25:13		delicate	34:12,21	48:11,13 ,
52:6,7,13		20:24	35:20 37:4	20 49:3 ,15
53:6,7		22:16	40:23	53:20
60:13		dementia	41:1,5	54:17 57:7
		13:16	42:2 48:24	61:17,18
			49:10 61:9	63:7 64:8
D				
daily	45:25	depending	discount	Drew 6:7
		50:7,8	19:15	39:6
date	40:7	depends	33:18	dried 16:18
dated	45:25	50:6,14	discovered	drive 60:2
daughter		deponent	45:24	dry 15:24
9:22,24		39:6 40:12	dispute	17:11
10:2 13:16		49:18	47:22	18:12 22:5
26:22		57:12	distributor	dump 15:20

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.
 Elaine Garrett on 04/03/2019 Index: Duncan..foundation

Duncan	16:12	4:1, 9	fill	16:14
28:11, 12,	45:10, 15	exhibit	6:5, 7, 18	fine 45:20
18, 20	Elaine 4:1,	38:15, 17	finish	23:7
49:20, 23	16 38:14	44:24 45:8	24:12	
dust	Elizabeth	46:20 48:4	26:10 31:7	
duties	4:6 7:6, 8		fire	20:17
	9:20, 21	expensive	23:4 24:13	
37:22	20:6 46:8	33:8		
		external	fired	23:1
	55:20 57:5	58:10	24:11 32:8	
E	59:16 60:4		firing	20:17
early	employed		22:17	
12:8	41:10			
29:4, 6, 7		F	41:23	
ease	employees	fact	21:15	fit 31:15
46:16	26:17	30:11 58:5		five-gallon
easier	employment	facts	35:10	18:6
4:18	8:10, 24	fair	6:2	five-pound
8:25 26:12		59:3		16:17 17:4
45:6		familiar		
Eason	40:24	54:20	flap	31:8
12:19	60:16 61:4	family	7:23	flip 46:17
55:10		8:2 56:10		folks 7:11
Eastern	end 32:7	61:8	9:2 19:6	
25:9	ended 12:14	February		25:8
easy	entire 54:5	8:16	follow-ups	
4:25	entries 46:2		63:9	
26:9	entry 47:16,	feel	5:17	
eat	19, 20	13:6 45:18		Forest 8:23
5:17		figure	5:9	forgot 21:1
57:5		23:18		24:20
Eddie	equipment	figurines		form 43:2,
10:1, 3	37:14	50:13	7, 8 47:11,	
11:24			23 48:18	
12:13	estimate	filed	49:1, 12	
26:5, 13	53:5, 25	filing		
32:24	evidence	56:18	foundation	
35:24 38:1	34:20			
43:22 49:8				
55:9				
Edenton	35:11, 12			
8:3	47:24 48:9			
20:6	Examination			
Edward	4:12			

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: four-inch..higher

4:12 36:9	27:24	glossy	24:12	
38:6 43:8	28:6,19,23	gloves	37:6,	H
45:15,24	29:9,11,15	12		
46:2,14	36:3,5,24	half	9:12	
47:7	49:9,20	good	4:11	
48:16,18	58:16	7:1,13 9:4		
49:1,12		44:10		
55:6 57:25	Garrett 4:2, 11,16,17	handwritten		
four-inch	6:11 7:18	6:12	46:20	
30:17	8:9 38:14, 17 45:2	21:5	47:19	
free 5:17	48:14	Gotcha 64:3	happen 5:21	
13:7 45:18	54:25	Grace 13:23	hard 5:9	
57:14	61:15	graduated	23:7 29:25	
frequently	gather 23:20	8:17 9:10 57:19	hardened	
59:13	gave 42:14	green 24:12	15:21	
60:11	gee 7:8	greenware	hate 7:11	
Friday 6:14	geez 57:4	11:12	23:13	
friends 9:21	general 7:24	15:4,23	head 5:12	
10:15	25:8 45:15	20:14	heads 5:6	
front 6:19	generally	22:13,14, 23,25 23:3	hear 62:3	
full 4:15	37:14 54:4	24:14	heard 46:5	
furniture	gentleman	27:15 50:5	54:21	
36:16,21	55:14	51:11,16, 17	hearing	
37:3,18	give 5:1	ground 4:21	25:15	
	19:14	growing		
G-A-R-E 21:6	32:20 63:2	43:17	helpful 5:16	
gallon 17:17	giving 14:17	guess 11:15	18:8	
20:25 21:1	glaze 23:4	25:9 53:12	hereto 46:15	
Gare 21:6,	24:10	60:11	Hertford 7:7	
10,14	glazes	guessing	high 8:17	
23:8,9	22:19,21	42:8	30:18	
24:7,10	gloss 24:21		57:19	
26:15			higher 22:17	

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: hire..knowledge

hire	15:7	44:6	42:13	Karen's	14:8
history	8:25	in-house	43:12		56:8
		22:5	58:20	kiln	21:16,
Hoffman					18 23:1,4
12:20		inch 32:2	invoices		29:9 32:9
55:13		inches 30:18	38:5		36:16,20
60:15		inclusive	items 50:5		37:3,7,10,
Holly	13:22	48:4	51:6,8,9, 12 59:9		17,18,20
20:4 28:24		individual		kilns	20:17
50:16		53:7			21:8,11,
51:1,19			J		13,14
52:7,24		individuals	January		28:24
53:15,22		52:7,9,14	45:16		29:14
54:1 57:2		inevitably	job 8:19		36:19,25
58:24		5:21	14:23		37:15
59:7,24		information	37:21	kind	13:17
home	18:23	23:20			14:5,25
30:12		35:19 38:8	jobs 9:3		15:23
33:10		42:24	journal		22:1,17
hook	37:11	47:5,22	46:2,3		24:21 61:1
hospital		48:15	journals		63:23 64:1
14:10		information's	45:25	kinds	7:4
56:10,25		23:17	46:21		40:18
hour	57:6	ingredients	jug 21:1	knew	54:21
huh-uh	5:7	16:12 17:1	jump 13:18	knowing	
hungry	5:17	intended	55:3		48:23
husband	56:8	6:24 7:21	jurors 7:1	knowledge	
		62:22	jury 7:3		26:21 30:9
husband's		interrupt			32:18 33:4
7:17		13:7	K		37:8 44:20
		introduce			48:15
		6:6 45:1	Karen 4:13		58:15,17
idea	7:2,13	63:24	13:21,24		61:9
17:5 18:13		inventory	14:4,10		
35:6 41:15		32:20	55:25		
			56:9,17		

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: labeled..Marie

	liquid	28:22	39:24
L	15:15,16	41:18	
	17:15	47:13 49:6	main 13:3
labeled	Lisa 10:2,	50:3 54:3,	maintain
38:19	14,16,17	6 61:19	33:18
ladies 19:24	11:1 13:8,	longer 12:5	make 4:17
55:13	16 55:22	61:6	5:23 15:4,
lady 12:20	listed 6:19	looked 30:15	12 17:1
18:1	46:3 47:3	lot 8:25	22:13 23:5
large 4:4	literally	11:6,12	24:12
18:19 23:9	5:7	15:3 19:25	26:11
largest	live 7:23	21:6,23	27:14
60:13	8:5 13:9,	27:7,8,16,	37:23
Lawson 44:23	12	21,25	39:15 40:1
45:9,14	lived 7:2	32:19	45:6 50:4,
lawsuit 4:13	9:19 10:15	33:8,15	5 52:5
leave 57:11	18:22	41:12,14,	55:2,24
	44:11	20 45:12	makes 8:25
ledgers	59:20,24	53:19	making 15:12
45:25	60:4,24,25	56:25	35:14
left-hand	lives 8:6	low 32:20	Man 55:15
45:22	13:17	41:8 42:17	manageable
Lenslow	living 9:20	lunch 5:18	18:3
10:19	55:17	57:5	managed 60:8
lettering	Lloyd 7:18	Lynchburg	manager 8:21
6:20	load 18:2,3	62:2 63:13	45:15
letters 45:9	located 34:5		manufacturer
	54:18 58:3		20:25 21:4
license	log 35:10		32:17
19:13	long 4:19	Made 11:13	
lid 17:18	7:2,19	16:8,9,16	manufacturers
31:9,10,	8:24 10:13	17:3,19,	34:19 61:9
12,14,18	11:24,25	20,21	Marie 10:1,3
lines 49:7	18:18	28:11 30:8	11:24
		mail 6:12	13:8,13
		38:25	26:4,13

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: mark..object

32:24	14:12	15,16	Norfolk 19:8
35:24 38:1	17:11 18:9	60:22 62:8	24:2 54:19
43:22 49:8	32:25	63:17,25	59:19,21
mark 38:18	36:2,15	64:2,4	north 4:3,6
44:23 45:9	met 40:11	mom 56:15	7:7 8:3
marked 6:4	mile 9:19	moment 11:22	25:9 27:1, 4,21 33:1
38:14	miles 59:16	monthly	53:12
44:23 45:7	mind 14:17	41:17	59:16 60:7
married	28:6	months 42:7	62:4
7:15,19	minutes	62:19	nosy 6:24
56:6	57:11	morning 4:11	7:13 62:22
material	mischaracteriz	mother 11:3	Notary 4:3
18:12	es 35:11	13:22,25	notes 61:13
20:17	misrepresent	motions 31:2	notice 6:4,8
24:14	48:6	moved 7:8	November
29:24 30:2	misrepresentat	10:6,14	34:22
materials	ion 35:14	43:22	35:21
11:9 20:11	mix 16:13	44:1,3,12,	46:21
26:3	17:1	15 58:1	47:17
36:11,23	mixed 22:4		48:17,25
61:2	mold 27:13,	N	number
matte 24:20	18 50:7,11	names 12:18	14:16,17
matter 21:15	62:4,5,10	13:1 35:25	17:17
30:11 63:4	molds 11:5,	46:6 55:9	40:20
meant 13:6	14 15:3,9,	naval 11:14	45:22
meet 33:17	12,13,19,	Navy 44:2	46:25 47:2
meeting 40:7	21 20:15,	needed 20:9	56:23
member 56:10	16 27:1,6,	42:14	62:25 63:2
memory 7:22	9,12,13,	58:20	numbered
16:4 21:23	19,24	60:21	45:22
50:15,19	28:7,12	nodded 49:18	
51:18	33:15	nodding 5:12	o
mentioned	50:4,9,12	object 48:11	
	51:12,14,		

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: objection..period

objection	7:6 10:5		paragraph
35:10	18:21	P	40:20
47:11,23	ornaments	p.m.	45:14
48:12	50:13	pack	paragraphs
occasionally	Orton 4:12	33:6	45:22
27:20	29:23	56:19	part
55:23	30:4,13	packaged	18:23,
offered	32:10,13	58:9	24 29:8
57:15	33:5 34:4,	packed	31:19
Ohio 57:25	12,14,21	30:1	37:21
58:1	35:7,12,20	61:2	part-time
older 12:20	36:9 37:4	29:24 30:2	passed
open 11:25	38:5,6,9	packing	12:12
12:3 24:2	40:22,23	packs	55:10
37:11 58:9	41:1,3,7	33:7,	pause
opened	42:2 43:3,	11	5:2
30:21,23,	4 45:10,15	pages	payments
24 31:9	47:7,21,25	46:14	37:23
operate	48:5,7,16,	paint	people
43:25	24 49:10,	17:17	11:8
operating	11 51:19	20:18	12:24 13:3
37:7	55:6	21:11,19	15:7 16:13
oral 4:1	57:20,24	22:20,21,	19:11,12,
order 27:16	58:2,12,	22 23:2,3	13,18,20,
32:21,23	16,19,21,	24:6,8,9,	22 20:4,7,
34:18 36:8	25 59:4,	12,13,15,	9,20 33:7,
39:1	12,13,16,	18 28:14	16 53:1,2,
42:18,21	22 63:19	36:7 51:10	10
ordered	outskirts	painting	percent
58:21	9:20	44:10	34:15
orders 16:1,	owned 10:3	paintings	53:9,10
2	owner 9:25	44:14	percentage
originally	owners 10:2	paints	53:5,8
		20:15	Perfect
		21:7 22:17	6:15,22
		28:20	40:9 62:21
		29:16	
		33:17	
			period 12:8

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.
 Elaine Garrett on 04/03/2019 Index: Perquimans..purchased

19:17 29:7	porcelain	powder	products
54:6 57:20	20:23	16:11,18	8:23 15:12
59:17	21:5,8	practice	17:11
Perquimans	22:9,10,	61:7	20:11
8:5,6,8	11,16,22	prefer 63:3	22:1,4,8
personally	possibility	prepackage	25:11 26:2
36:8	23:15	17:18	27:5,25
phone 14:16	post 36:17	prepackaged	28:19,21
39:2,16	posts 21:17	20:22	33:2 35:25
40:5 62:25	36:22	prepare	44:18 46:3
pick 16:25	37:18	14:14 39:1	49:8,20,22
27:1,19	potential	preparing	50:12,23
picked 31:18	7:3	39:17	60:9 61:10
picking	pottery	profession	62:14
31:19	11:13	pretty 4:25	44:13
Pintado 4:3	15:15 19:9	18:25	programs
place 18:25	20:20	29:6,14	20:1
47:25	23:25	50:22 59:8	promise 45:3
places 20:21	24:22	price 33:19	public 4:3
27:23 36:3	25:14,20	prior 8:10	11:5
41:13	28:15,20	35:21	pulled 31:6
Plains 27:10	29:14 54:9	48:17,25	purchase
28:1,7	59:21	56:12	17:14
33:1 62:5,	pour 15:3,	process	26:23 27:5
7	19 16:2	15:23 38:9	32:10,16
plaques	20:15	product	33:1 35:25
50:13	27:14	16:3,16	36:4 44:18
pleasantries	51:11	20:24	50:20,24
40:17	60:21	22:18	51:6,8,9,
point 5:20	poured 11:5	24:12	21,22 52:1
14:14 32:7	pouring	28:10,15	59:4,9
46:24	15:3,9,11	49:24	60:9 61:9
pool 7:3	pourings	50:16,20	purchased
	50:7	63:24	18:11

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.
 Elaine Garrett on 04/03/2019 Index: purchasing..remember

21:15		reask	47:14	50:19
35:7,20	Q	reason	6:25	referenced
36:23 37:4		receipt		47:9 51:25
40:23,25	question			52:16
41:4,7	5:24 9:6, 24 16:7	45:25		
42:1 48:24	30:25 31:7	receipts		referencing
49:8 51:10	45:17	46:3,21		29:21
58:16	47:13	receive	6:12	referred
59:12,13	49:25	38:24 58:8		13:14
62:13	52:4,11	received		reflecting
purchasing	62:21	34:11		46:15
26:2,6,14, 18 38:9	questions	38:25		refresh
42:25 49:2	5:1,21,23, 25 6:23	39:23		57:24
50:16	23:22	receiving		regular
51:19	25:19 26:9	33:20		22:12,15
purpose 32:9	45:12	recently		40:23 41:8
63:16	57:8,9	45:24		42:2,3
purposes	61:16 64:7	recollection		59:4
4:23 6:24	quota 33:17	50:15		regularly
26:8	42:10	51:18		59:8
put 6:18		57:24		related 14:1
15:22,25	R	record 4:15		56:5
21:18		5:2 9:4		relationship
23:3,4	railroad	31:4 35:13		55:25
24:11	16:23	40:21		remember
33:23	18:10	62:25		5:15 13:1
37:19	raw 11:9	63:3,4,6		17:4,6,10
pyrometric	Ray 12:19,	recorded 5:8		18:13
31:23	22 55:10	records		19:24
35:20	read 45:3,	34:21		21:3,23
40:22	4,10,18,23	refer 15:1		23:22
63:20	47:4,10	reference		25:12,15
	ready 15:21	45:13		27:22
	real 22:16	46:16		28:4,5,8, 10,16,21,

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.
 Elaine Garrett on 04/03/2019 Index: remembered..shipment

24 29:1,6, 9,22 30:4, 14,21 31:22,25 33:4,6,12, 20,22 34:3 35:22 37:12,13 43:5,11 44:4 49:5, 21 50:24 51:9,22,25 53:16,21 54:7,8 57:20 58:24 60:18 62:18	representing required resale 25:25 response 5:1 responsibiliti es 14:23 26:1 37:22 responsible 26:2 38:2 retail 11:8 19:12,18, 19,20 20:8 52:7,9,16 53:1,6,10	rules 4:22 s sale 15:25 32:15 33:3 34:25 62:10 sales 8:21 14:25 15:10,25 34:21 35:13 61:1	15:16 17:13,16 19:14 20:12,15, 25 21:13 22:1,5 25:23 28:18 30:7 36:16 37:6 52:19,25 53:11 54:12 selling 19:5 28:17,24 49:21 63:22,24 send 27:18
remembered 28:21	retailers 53:11	schoolhouse 18:21 44:6	sense 5:23 separate
remodeled 44:6	retired 44:3	schools 20:1	31:12
reordered 32:22	revisions 40:1,2	seal 24:21	set 19:21
repeat 5:22	Ricky 12:21, 22 55:13,	Sealey 35:9 39:7,9 40:10	shake 5:6 shape 29:25
rephrase 5:22	14 60:15, 19	43:2,8 47:11,23 48:18	share 62:25 sheet 42:14
reporter 4:24 10:23	right-hand 45:8	49:1,12 53:18	shelf 15:22 21:20,22 33:24
26:11	ring 58:2	54:15	
43:6,9	Road 4:6	57:8,10,13	shelves
represent 4:12 39:7	24:24 54:19	61:12,15 63:8,10 64:6	21:18,19 37:19 58:9 ship 27:24
representative 48:1,9	round 21:1	sell 11:14 12:10	shipment

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: shipped..stayed

33:20	shut	32:8	smaller	18:4	specifically
34:11	side	45:22	sold	11:5, 6,12 19:2,	39:22 57:25
shipped		46:17,19		6,17,20,22	speculation
27:7,8		60:4,5		20:14,16,	49:13
34:1	signature			19 21:14,	54:16
shop 11:5		38:20		16 22:18	
12:15	signed	48:2		24:6,7	spellings
13:12					10:23
18:24	similar	52:4		25:10	
19:13				27:25	spells 57:23
25:18	simply	47:4		28:19,20	spoke 57:3
29:5,16	sister-in-law			29:10,12,	spray 24:19,
52:24		14:9 56:1		13,14,17	20
53:15	sit	15:20,		34:21	
		24		36:15,24	square 29:22
shop's 13:13				37:16	30:17
shops 11:17	size	31:15,		40:22	stack 58:9,
19:20,21		22,25		41:12,14,	19
20:5 35:24		50:11,12		15,24	
short 12:24	skinny	32:4		42:6,10	stand 63:19
show 6:11	slip	15:14,		44:18 46:2	started 4:14
27:13		16 16:3,6,		51:16	8:14,16,18
38:17 45:2		15 17:2,		52:13,18	9:7,9
62:2,9,11		15,18 18:2		54:13	10:9,11,12
63:15,16		20:12,22		59:22	12:21 35:1
		22:4,8,13	sort	31:6	43:11,13,
showed 47:16		23:10		15,17	
				62:11	57:18
showing		27:14	sounds	25:1	60:20
47:20		28:10		54:20	
		29:19			starting
shown 45:7		49:24	Southeast		34:22
shows 32:25		50:2,16,23		25:10	state 4:3,14
33:13,14		51:10	speak	5:3	states 40:21
61:21,25	slipped			39:2	45:14,24
62:5,7		31:19	speaking		46:11
63:11,16,		small 17:25		48:11	
23		30:20			stayed 31:10

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: stilts..Terry's

stilts	22 37:6 , 21:17,21 36:17,22 37:18 stock 42:6 stocked 58:21 59:5 stop 5:14 store 11:25 18:19 24:23,25 25:4 26:2 44:19 52:19 54:9,10,18 58:25 59:5,8 stores 49:10 street 4:6 stu-doodle 8:11 9:8, 18 10:4 13:24 14:22 18:20 19:5,10 20:12 21:13 23:24 25:20 28:16 30:7 32:11,14 34:12,22, 25 35:1,7, 20 36:14,	stuff 21:20 30:2 subpoena 6:9 suit 56:18 supplied 23:9 supplier 34:13 suppliers 37:24 supplies 11:9,17 13:24 21:16 25:11 29:17 36:6 41:20 44:18 52:25 53:4 Support 45:9 surrounding 20:6	13 20:13 39:18 40:4,6,17 49:20 52:6,21 54:10 talking 4:23 28:23 31:23 tall 18:24 tank 16:13 taught 52:25 60:12 teach 20:1 teaching 11:19 technical 40:15 telling 49:24 temperatures 41:23 tenure 54:6 terms 18:20 19:2,16 22:3 23:23 26:1 35:23 51:14 52:5 54:4 55:25 60:16 Terry 14:8 56:1,6 Terry's
---------------	---	--	--

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: test..unpack

56:3,5,8	19:16	43:21 55:4	33:5 41:21
test 7:22	24:23	torn 13:13	42:18
16:4 18:15	26:23 27:3	total 46:12	52:12
	28:22 29:7	touch 55:22	54:13
testified	38:4 40:2,		62:15
35:16	6 41:10,18	63:1	
testify	49:6 52:1,	town 16:24	U
35:15	3 54:1,3,	26:25 57:5	
57:15	24 55:2	60:7	uh-huh 5:7
62:24	56:12	trade 15:2	uh-uh 17:20
testimony	57:2,6,20	62:11	25:24 37:8
35:11	58:18	transaction	38:7,13
	59:17	46:7	
thing 11:7,	60:1,19	47:20,25	
20 17:15	63:7,13	48:7	um-hmm 6:17
22:19		transactions	17:14
45:4,5	times 26:24	21:12	
	27:7 32:19	46:12,15	28:25 30:6
things 4:17	33:16	47:7,8	33:22 35:3
7:4 22:20	62:3,17	48:4,15	43:24
25:20		trial 6:25	46:10,23
29:25	tiny 32:1	62:23	47:18
36:15,16	title 14:24,	triangle	50:18
40:18 45:6	25	29:25 32:6	51:16,21
54:13	today 8:10	turns 24:14	55:11,23
thinking	40:10	two-gallon	46:10,23
12:9 21:6	57:14,15	17:23 50:2	59:10,14
24:1	told 49:19	type 11:13	60:14
thought 62:9	56:18	15:15	63:18 64:1
time 4:25	tools 37:14	20:20 22:8	understand
5:4,18	top 30:22,	23:2,7	8:11 13:16
8:12 9:19	23,24	24:9 30:14	55:24
10:2 11:6,	31:8,13	38:22	understood
20 12:8,	45:8	43:25	6:1
17,23	46:12,19,	52:8,13,18	Universal
14:6,11	21,22	8:23	
15:8	topic 13:19	types 30:7	unpack 33:23
18:16,18			

KAREN CAHOON vs EDWARD ORTON, JR., ET AL.

Elaine Garrett on 04/03/2019

Index: Upton..York

Upton	12:21 55:13 60:15	wash	21:19 37:19	3, 11, 14 wife 14:8	14:4, 6 61:22 62:17
	<hr/>		<hr/>	Winslow	
	v	water	17:1	10:18, 20, 21	years 7:9, 20 9:7 12:4 29:4 61:4, 22
verify	34:9	ways	50:14	winter 62:19	
versus	52:9 53:6	weather	40:18	Witchduck	York 28:2
Virginia		Webster	28:24 50:16 51:1, 19 52:8, 14 53:7, 10, 15, 22 54:1 57:2 59:24	24:24 54:18	
	10:6 19:22 24:1, 24 25:10 43:23 44:1, 12, 17 53:13, 14 54:9, 19 62:2	week	51:4 52:1 59:8 60:9	word 36:21 work 8:22 11:1 26:22 39:19 47:5	
visit	24:25 25:4 54:10	weekend	27:2	worked 8:12, 18 11:4 12:24 14:8 15:9 38:10 54:24 56:14	
volunteering	7:12	Weekly	41:17	60:24 61:1	
	<hr/>	Westerville	58:1	working 8:15 9:7 10:12 12:16, 17	
wait	15:5	wet	17:18 49:24 50:2, 16	14:22 35:1 38:4 39:17	
waiting	40:13	white	4:16 27:10 28:1, 7 29:23 30:16 33:1 62:5, 6	worth 50:2 write 37:23 written 55:4	
walk-in	15:2 20:8	wholesale	11:7, 10, 15 15:2 19:2,	<hr/> y <hr/>	
walked	40:10 63:14			year 7:9, 20 9:12 10:7, 12 12:13	
wanted	33:10 39:14 56:23, 24				